

## J&T Consulting, Inc.

April 28, 2021

Mr. Brock Bowles  
Environmental Protection Specialist  
State of Colorado  
Division of Reclamation, Mining, & Safety  
1313 Sherman Street – Room 215  
Denver, CO 80203

RE: *Prowers Aggregate Operators, LLC. – West Farm Pit – Permit No. M-2008-078  
Amendment No. 2. (AM-02)  
Adequacy Review #2 Response*

Dear Mr. Bowles,

Prowers Aggregate Operators, LLC. (PAO) has received the Division's adequacy review #2 comments letter dated April 14, 2021. Below are the comments that were not resolved with our previous Adequacy Review #1 response, and the responses that have been provided to address the comments.

### **6.4.5 Exhibit E – Reclamation Plan**

20) PAO has committed to install a perimeter drain if one is needed. PAO has also determined that a perimeter drain was not needed at this time. This determination was based on 3 months of water data collected in the vicinity of the proposed phase 3 & 8 slurry wall locations. However, as the slurry walls are constructed and more data is collected over time, the effects of the slurry wall on the ground water levels will be better understood. It may be determined at a later time that a perimeter drain is needed. Please describe the event or measurement that will determine when the perimeter drain is needed and installed. DRMS proposes a trigger level of +/- 2 feet deviation for 2 consecutive months from the seasonal peak/low water level for each well prior to slurry wall installation. If a different trigger measurement/event is proposed by PAO, please provide the rationale for the proposal.

***Response: Measurement of the existing monitor wells will continue to be done on a monthly basis as well as the new monitor wells that were installed around Phase 3 and Phase 8. The groundwater model was provided to be used as a tool for the expected groundwater mounding or shadowing around the proposed slurry walls as the phases are mined. Based on the results of the ground water model there is not a need for a perimeter drain at this time. PAO agrees with the proposed trigger level of +/- 2 feet deviation for 2 consecutive months from the seasonal peak/low water level for each monitor well prior to slurry wall installation.***



#### **6.4.7 Exhibit G – Water Information**

24) The ground water model submitted for review utilized 3 months of data for monitor wells adjacent to proposed Phase 3 & 8 slurry walls. Although 3 months of background data is less than ideal, the Division understands that collecting data may have been challenging before the permit amendment process began. PAO has committed to a phased approach to install future monitoring wells 3-4 months prior to future slurry wall construction. In the Division's experience, 3-4 months of ground water data is insufficient to understand the full effects of a slurry wall because it does not capture seasonal fluctuations over the course of the entire water year. Therefore, please commit to 5 quarters of monthly ground water data and an updated ground water model submitted to the Division prior to construction of each slurry wall after phases 3 & 8. DRMS will also require PAO to install monitoring wells along the south side of the proposed operation as soon as possible. These well locations are needed to collect as much background data prior to slurry wall installation as possible, as well as monitor for the potential off-site shadowing impacts shown in the provided model after the proposed slurry walls are installed.

**Response: PAO commits to installing 5 additional monitor wells along the south side of the proposed operation (along Phases 5, 6, and 7) and will install these monitor wells once approval of the AM-02 is obtained. Please see the attached map for the proposed locations of the 5 additional monitor wells. PAO also commits to installing future monitor wells 15 months in advance of constructing slurry walls for Phases 4, 5, 6, 7, and 9. The ground water model can be updated if necessary based on the monitor well data collected over time for the existing monitor wells around Phases 1, 2,3, and 8 as well as the additional 5 monitor wells along the south side of the permit if the data is different than the forecasted elevations from the ground water model.**

26-A) Almost the entire proposed mining area is within the 100 year flood plain and parts of Phases 1 and 6 are in the 100 year floodway. PAO provided data and justification in AM-01 concluding that "no riverside or pit side protection is needed." Please clarify if the data and justification provided in AM-01 is applicable to the mining plan proposed in AM-02.

**Response: The same justification is also applicable to AM-02 as per the Urban Drainage and Flood Control District criteria as shown in their guidance document "Technical Review Guidelines for Gravel Mining & Water Storage Activities Within or Adjacent to 100-Year Floodplains", pits adjacent to unstable alignment rivers that have riverside berms in excess of 400 feet do not require riverside (slope armoring) or pitside (slope armoring and/or side channel spillways) bank protection (Section 2.6.1 of the guidance document). The closest distance/berm width from the top of the north mining slope (in Phase 5) to the south river bank is approximately 680 feet which is much greater than 400 feet. No riverside or pit side protection is needed for the pit and therefore no Technical Revision to the permit will be necessary. Any minor erosion to the pit slopes that may occur during a flood event will be immediately repaired. Any flood flows that enter and are detained in the pit, or reservoir after the pit is reclaimed, will be pumped back to the river after the flood event is over, and after any sediment settles from the water. The pertinent sections from the guidance document are attached for your reference.**

#### **6.4.12 Exhibit L – Reclamation Costs**

- 29) The acres recorded on the Reclamation Cost Summary chart are not consistent with the Summary of Unit Costs worksheets and acreages listed on Maps in Exhibit C. Please update the acreages for consistency.

**Response:** *The acreages have been updated so they match in the summary chart and the summary of unit cost worksheets as well as the map provided for showing the acreages that are bonded for disturbance. Updated Exhibit L narrative and Exhibit L Reclamation Phasing maps are attached to show the areas of disturbance. The areas of disturbance do not match the acreage of the phases shown on the mining plan maps because the mining phase areas are the areas within the mining limits only. There are areas outside the mining limits being bonded for because they are affected areas within the permit boundary. As you review the acreages and acreage credits for the phased bonding you will see the credits do match the acreages that are bonded for initially as those are the total surface disturbance that occurs before that phase is mined. Once that phase is bonded for the slurry wall and being mined, then the surface disturbance acres go down and are credited back because the area inside the mining limit is lined and creating water storage within the slurry wall, and only the acreages above (exterior to) the water surface get revegetated. Please refer to the updated Exhibit L narrative and Exhibit L – Reclamation Phasing maps for clarifications.*

- 30) In phases 7 & 9 acres were credited to these tasks, lowering the cost of the task. The source of the credit is labeled as 'credit from above' but it is unclear where above is. The number of acres credited is greater than the number of acres in the phase being restored. Please clarify the source of the credits and explain why the number of acres credited is greater than the acres in the phase.

**Response:** *See Response to 29.*

- 31-A) During the Feb 19 inspection, it was noted that several large overburden stockpiles were placed west of the scale house. PAO said these stockpiles will be used for the highway realignment project that has been proposed to go through the permit area between phases 8 & 9. CDOT submitted the grant proposal for the realignment project to the U.S.-DOT in April 2016. The status and timing of the project is unknown at this time. According to Rule 4.2.1(4), the Division sets the reclamation bond to not exceed the cost of fully reclaiming all lands affected in said year and all previous years. Since there is no clear timeline when the stockpiled material will be used or sold as a product, the stockpiles need to be bonded for disposal. Please submit the following information so an accurate cost estimate can be calculated:

- a) An estimate of the projected volume of material that will be stored west of the scale house,
- b) Acreage of the area disturbed for the stockpiles.

**Response:** *a) PAO has surveyed the overburden stockpiles and the amount of material is 370,000 CY. We project there will be another 50,000 CY stockpiled for a total of 420,000 CY. As we discussed, PAO will be filling Phase 8 with the overburden material as we get mined down to the bottom of Phase 8. Also recognize that PAO does sell overburden material to other clients and it continues*

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*to do so. There will be material that leaves these stockpile areas that is sold but it is at a slower rate than the construction aggregates. PAO will continue to revisit the amount of overburden as mining continues as we have previously discussed and commits to placing this material back in mined out areas if it cannot be sold. If the CDOT project does move forward and utilizes the material in the stockpiles, or another entity purchases materials, PAO would ask that the bond be reduced at that time. Please refer to the updated Reclamation Bond Estimate Calculations that include the volume in the stockpiles and the cost for moving this material into a mined area below grade. b) The acreage for the area disturbed by the stockpiles has already been included in the bond calculations for Phases 7 and 9.*

#### **6.4.19 Exhibit S – Permanent Man-made Structures**

- 33) The following structure agreements were not included in the AM-02 application and were not found in the previous amendment application:
- a. Item Resolved
  - b. Item Resolved
  - c. Inman Fence
  - d. Item Resolved
  - e. Item Resolved

**Response:** *c.) This agreement was included and we also provided the certified mail receipt. Both are attached for reference. The agreement has not been returned by Inman, however the fence is located on the west side of the existing power line and the Lamar Canal. Per the slope stability analysis, the power line offset to the mining limit is 60 feet with calculated factors of safety of greater than the factors of safety required by the MLRB for all static and pseudo-static conditions. The Lamar Canal and the Inman fence have larger offsets from the mining limit (90 feet and 175 feet respectively), therefore have larger factors of safety than the power line cases and the mining activities will not cause damage to these structures.*

- 34) The structure agreement with Prowers County Road Dept. is from 2018 and covers the sections of CR HH.5 and HH 8/10 that are in the current permit area. CR HH 8/10 and CR 11 are within the proposed AM-02 permit area. A structure agreement needs to be submitted that addresses these sections of road.

**Response:** *A structure agreement was provided to Prowers County to amend the existing agreement and a copy was provided to the DRMS. See the attached agreement that was provided to Prowers County. PAO received an email response back from the Prowers County attorney that CR HH8/10 has been vacated. Please see the attached email response. PAO is waiting for Prowers County to revise the agreement with an updated figure to reflect only CR HH.5 and CR 11 are included in the agreement and sign the revised agreement. As soon as we receive the signed amendment agreement back it will be provided to the DRMS.*

- 40) The operator is committing to the slope stability monitoring recommendations outlined on page 9 of the J&T Consulting, Inc. report. These commitments will be added to the terms and conditions of the permit upon final approval of the permit.

**Response:** *Acknowledged.*





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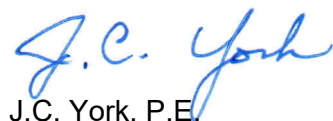
We have also provided responses and information to Mr. Nunnery's objection letter in regard to the existing wells he owns and his concerns with dust. Please find attached the first response dated February 17, 2021 to Mr. Nunnery's attorney that provided some questions on permit number information and proposed monitoring of the existing wells, information on his concerns with dust and working with him to mitigate the dust issues, and information on slurry walls constructed around each pit cell. A second response dated March 18, 2021 documented information on one of the existing wells that we were able to find information on from the State's groundwater well database as well as working with him to mitigate the dust issues with Roy Cue who is the PAO Site Superintendent. A response from Mr. Nunnery's attorney was received back on March 23, 2021 directing PAO to communicate with Mr. Nunnery directly.

Mr. Cue has had several phone conversations with Mr. Nunnery since March 23, 2021 on what he would like to do regarding the wells and if they could be monitored as well as mitigation of the dust based on the watering of piles and roads at the frequency PAO currently does. PAO met with Mr. Nunnery again on April 22, 2021 via conference call to discuss his issues and what PAO could address based on his objection letter to the DRMS. Monitoring wells was discussed and PAO agreed to monitor them monthly. Dust concerns were discussed and PAO indicated they would continue doing what they do per their permit requirements and offered to sweep Mr. Nunnery's parking area at the warehouse south of the railroad tracks when needed. Withdrawal of Mr. Nunnery's objection was also discussed and Mr. Nunnery indicated his attorney needed to finish reviewing the permit information and then he would let us know.

Roy Cue and J.C. York met with Mr. Nunnery and his son on April 23, 2021 to locate each existing well and measured the depth to the water surface for four existing wells. After location of the wells more investigation was completed using the State's groundwater well database. All four wells were found in the data base and all four wells are completed in the Dakota formation/aquifer which means there is not a connection between the aquifer the gravel pit cells are within and the wells (see attached well location map, depth to water surface measurement spreadsheet, and state well record information). The alluvial aquifer is between 25 feet and 70 feet deep from the surface in the gravel pit area and approximately 30 feet from the surface where the existing Nunnery wells are located. The Dakota formation/aquifer is approximately 170 feet deeper (200 feet from the surface) and is separated by shale bedrock which is impervious where no connection can exist between the alluvial aquifer and the Dakota formation/aquifer. An e-mail was sent to Mr. Nunnery on April 27, 2021 with all of this information for reference (see attached).

Thank you for your consideration of our responses to the comments. Please feel free to contact me with any questions or if you need additional information.

Sincerely,



J.C. York, P.E.

**J&T Consulting, Inc.**



RE: *Prowers Aggregate Operators, LLC. – West Farm Pit – Permit No. M-2008-078*  
*Amendment No. 2. (AM-02)*  
*Adequacy Review #2 Response*

4/28/21

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Attachments:

1. West Farm Monitoring Well Location Map
2. Excerpts from "Technical Review Guidelines for Gravel Mining & Water Storage Activities Within or Adjacent to 100-Year Floodplains" by Urban Drainage & Flood Control District.
3. Exhibit L Narrative
4. Exhibit L – Reclamation Phasing Maps
5. Reclamation Bond Estimate Calculations and Earthwork Quote from Carrigan Excavating, LLC
6. Structure Agreement – Barr H Inman and certified mail receipt
7. Prowers County Road Department Agreement for Use and Maintenance of County Roads sent to Prowers County for Amendment
8. Email response from Prowers County attorney regarding status of County Road HH.8 vacation
9. 1<sup>st</sup> Letter Response to Mr. Nunnery's Attorney
10. 2<sup>nd</sup> Letter Response to Mr. Nunnery's Attorney
11. Response Letter from Mr. Nunnery's Attorney
12. E-mail Response to Mr. Nunnery on Existing Well Measurements, Location Map, and Well Information











URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

# TECHNICAL REVIEW GUIDELINES FOR GRAVEL MINING & WATER STORAGE ACTIVITIES

## Within or Adjacent to 100-Year Floodplains

Prepared in Cooperation with Adams County

Project Consultant Wright Water Engineers, Inc.



January 2013

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face of lateral berms are to be stabilized and protected using the methods proposed in Section 2.4—Pitside Bank Protection.

Riprap, soil riprap, soil cement and grouted boulders are all viable options for reinforcing both Type A and Type B lateral berms. These methodologies are to comply with the requirements of Section 2.4.1—Riprap, 2.4.2—Soil Riprap, 2.4.3—Soil Cement and 2.4.4—Grouted Boulders, respectively. The general geometric characteristics of lateral berm protection will conform to the individual details for the selected method of protection except that the protection needs to extend to bedrock or 3 feet below the pit floor.

#### **2.5.4 Spillway for Type A Lateral Berms**

A spillway will only be allowed for Type A lateral berm protection. The existing or future arterial road crossing associated with Type B lateral berms renders the spillway approach infeasible. The required length of the spillway for Type A lateral berms along the South Platte River will be determined using the following equation:

$$L_{sI} = 2,500/H^{1.5}$$

In which,

$L_{sI}$  = length of lateral berm spillway

$H$  = height between top of berm and spillway crest

#### **2.6 Berm-Top Width—Riverbank Berms**

This section specifies the minimum top width for berms located adjacent to the South Platte River and subject to these Guidelines. The top-width requirements are specified to protect the berms from rapid failure during 100-year floods with overtopping lengths of time of two days duration. Such failure may result in the South Platte River flowing through the adjacent gravel pits causing the thalweg to drop, creating riverbed headcutting, resulting in loss of the river corridor and subsequently damaging property along the river. The berm-top width requirements consider long-term stability and safety along the South Platte River along with emergency equipment access and staging of emergency repair work, regional trails and the need to maintain a suitable Denver Metropolitan river corridor for multiple uses. Localized damages to the berms may result during large floods and may require periodic repair and maintenance.

The top widths are broken into two classifications, one for an unprotected river bank and one for protected river banks. Unless otherwise indicated, the requirements of Sections 2.3—Riverbank Protection and 2.4—Pitside Bank Protection constitute adequate bank protection.

The top widths are expressed as the distance between the top of the riverbank slope to the top of the pitside slope. The area between these two tops of slopes should be no steeper than 3 percent and as a minimum have a stand of vegetation that resembles the native vegetation along the site with reasonable closeness.

### **2.6.1 Existing Unstable Alignment**

When the river is allowed to maintain an existing unstable alignment, and no bank protection is provided beyond the necessary revegetation, the minimum allowable top width of riverside berms will be 400 feet. This is the maximum setback requirement imposed on gravel mining operators.

When the river is maintained in an existing unstable alignment and the riverbank is protected in accordance with the requirements of Section 2.3—Riverbank Protection, the minimum allowable top width for the riverside berm will be 250 feet.

When the river is left in an existing unstable alignment and no riverbank protection is provided, but pitside slope protection is provided in accordance with the requirements of Section 2.4—Pitside Bank Protection, the allowable minimum top width will be 300 feet.

When the river is maintained in its existing unstable alignment and protection is provided for both the riverbank and the pitside slope in accordance with Sections 2.3—Riverbank Protection and 2.4—Pitside Bank Protection, the allowable minimum top width of the riverside berm will be 150 feet.

### **2.6.2 Master Plan Alignment and Minimum Maintenance Alignment**

The Master Plan alignment and the minimum maintenance alignment are two cases in which the alignment of the river is predetermined and riverside bank stabilization is provided. The Master Plan alignment is mostly a modification of the existing alignment and is intended to reconcile the geometric requirements, property line constraints and constraints imposed by the existing river alignment.

Bank stabilization for the Master Plan alignment and the minimum maintenance alignment will be in accordance with those methodologies presented in Section 2.3—Riverbank Protection. For the Master Plan alignment, the various acceptable types of bank stabilization are presented in the Master Plan drawings and differ slightly from the requirements specified in Section 2.1—Types of River Alignment and 2.2—Revegetation of Berms. The principal differentiation is in the required stabilization scheme.

When the requirements of the Master Plan alignment or the minimum maintenance alignment are adhered to and, in addition to complying with the requirements for river bank stabilization, the pitside slope of riverside berms are stabilized in accordance with Section 2.4—Pitside Bank

**Table 2.1**  
**Riverbank Berm-Top Width**

Area Stabilized	Alignment	Type of Stabilization	Minimum Top Width (ft)
None	2.1.1—Existing unstable	None	400
Riverbank Only	2.1.1—Existing unstable	2.3—Riverbank Protection	250
		2.3.1—Riprap	
		2.3.2—Soil Riprap	
		2.3.3—Jetties (Groins)	
	2.1.2—Master Plan	2.3—Riverbank Protection	200
		2.3.1—Riprap	
		2.3.2—Soil Riprap	
		2.3.3—Jetties (Groins)	
	2.1.3—Minimum maintenance	2.3—Riverbank Protection	200
		2.3.1—Riprap	
		2.3.2—Soil Riprap	
		2.3.3—Jetties (Groins)	
Pitside Bank Only	2.1.1—Existing unstable	2.4—Pitside Bank Protection	300
		2.4.1—Riprap	
		2.4.2—Soil Riprap	
		2.4.3—Soil Cement	
		2.4.4—Grouted Boulders	
		2.4.5—Side Channel Spillway	
Riverbank and Pitside Bank	2.1.1—Existing unstable	2.3—Riverbank Protection and	150
		2.4—Pitside Bank Protection	
	2.1.2—Master Plan	2.3—Riverbank Protection and	100
		2.4—Pitside Bank Protection	
	2.1.3—Minimum maintenance	2.3—Riverbank Protection and	100
		2.4—Pitside Bank Protection	

# EXHIBIT L

## Reclamation Cost

Slurry walls have been constructed around Phases 1 and 2, and have been tested to ensure they meet the performance standard in the “State Engineer Guidelines for Lining Criteria for Gravel Pits”. See the attached approval letters from the State of Colorado Division of Water Resources. Phase 8 will be the next area where a slurry wall will be constructed, then Phase 3 Phase 4, Phase 5, and Phase 6. Phases 7-9 will be mined after Phase 6 but the order in which these phases are mined is not determined at this time.

The financial warranty required for each phase of mining includes cost components for the areas of scarification of ground, topsoil placement, and revegetation required for that phase.

Direct costs related to the construction of the reclamation components that have been included in the financial warranty calculations include: Backfill placement, moving stockpiled material to below grade mined area, scarifying disturbed ground surfaces, re-applying topsoil over disturbed areas, revegetating disturbed areas, slurry wall construction, and contractor mobilization. The slurry wall costs are based on the average depth of the wall to calculate the per lineal foot cost.

Overhead, profit, and project management costs were then calculated and added to the direct construction costs to arrive at the required financial warranty for each phase.

The financial warranty for all north mining phases and all disturbed areas has been calculated for the maximum anticipated disturbed area for the mine.

Please see the attached calculations for details of the costs and quantities used to determine the financial warranty required for the mine.

The following table summarizes the financial warranty required for each phase, and the cumulative financial warranty that will be provided during any given phase.

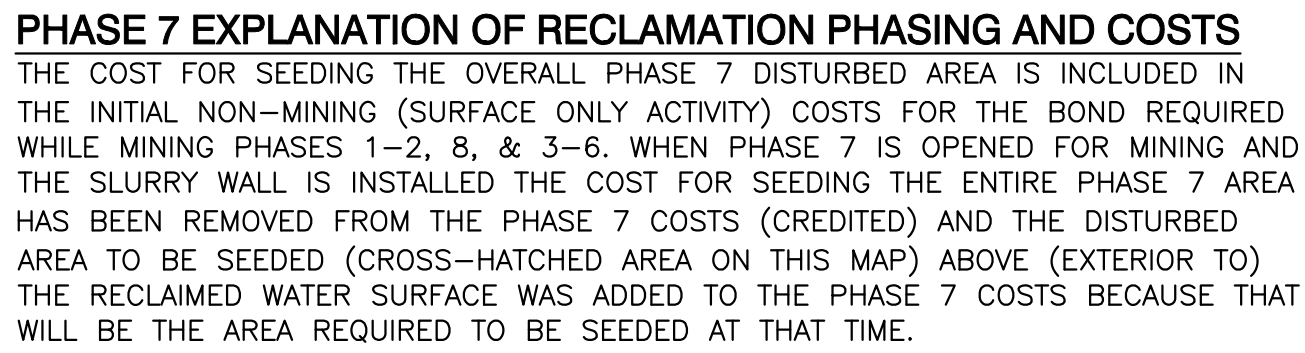


<b>Reclamation Cost Summary</b>			
Phase	Disturbed Area (acres)	Financial Warranty Required	Cumulative Financial Warranty
Disturbed Areas, Includes: Disturbed Areas West of Pit Road Adjacent to Phase 1 Ditch to River Parking Area	6.25	\$29,739	\$29,739
Non-Mining Areas (Surface Only Activity), Includes: West Wash Plant, Stockpile, and Sediment Pond Area Parcel B Area Surface Disturbance for Stockpiles & Plant Site in Phase 7 Surface Disturbance for Stockpiles, Sediment Ponds, and Scale House in Phase 9	294.79	\$2,033,533	\$2,063,273
Mining Phase 1	41.81	\$281,621	\$2,344,894
Mining Phase 2	84.18	\$567,832	\$2,912,725
Mining Phase 8	42.13	\$1,175,406	\$4,088,132
Mining Phase 3	143.46	\$4,395,381	\$8,483,513
Mining Phase 4	258.95	\$4,400,439	\$12,883,951
Mining Phase 5	181.46	\$2,971,945	\$15,855,896
Mining Phase 6	212.74	\$3,632,605	\$19,488,501
Mining Phase 7	144.66	\$2,365,611	\$21,854,112
Mining Phase 9	108.84	\$2,688,513	\$24,542,625










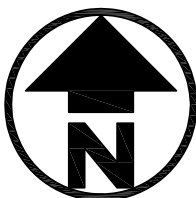
J&T CONSULTING, INC.



Job #	07115
Date	4/22/21
Drawn By	TPY
Designed By	TPY
Checked By	JCY
File	JT-2020 Exhibit L
Scale	1" = 300'


Sheet: **2** of: **3**





	RECLAMATION PHASE LIMITS
	MINING LIMIT
	SLURRY WALL
	DIRT ROAD
	EXISTING WATER/DITCH
	EXISTING CONTOURS
	FUTURE HIGHWAY REALIGNMENT PARCEL
	PERMIT BOUNDARY
	ELECTRIC RISER BOX
	GUY WIRE
	POWER POLE
	WATER PUMP
	STOCKPILE
	DEWATERING TRENCH
	SEEDED AREA

J&T CONSULTING, INC.



Job #	07115
Date	4/22/21
Drawn By	TPY
Designed By	TPY
Checked By	JCY
File	JT-2020 Exhibit L
Scale	1" = 300'

Sheet: **3** of: **3**

305 Denver Avenue - Suite D  
Fort Lupton, CO 80621  
Ph: 303-857-6222 Fax: 303-857-6224  
[www.j-i-consulting.com](http://www.j-i-consulting.com)

**Prowers Aggregate  
Operators, LLC.  
M-2008-078**



## Summary of Unit Costs

### Costs Taken from TR 5 and Amendment 1 Bond Calculation by DRMS

#### Direct costs

Backfill Placement	\$3.00	/ cyd
Moving Stockpiled Material to Below Grade Mined Area	\$0.90	/ cyd
Scarifying Ground	\$321.55	/ acre
Re-applying topsoil 12" thick	\$2,541.03	/ acre
Revegetating disturbed area	\$1,100.32	/ acre
Mobilization	\$54,000.00	lump sum

#### Slurry Wall Cost Breakdown

Slurry Wall Cost (30 foot average depth)	\$170 / linear foot	20% Cost \$34 / linear foot
Slurry Wall Cost (35 foot average depth)	\$198 / linear foot	\$40 / linear foot
Slurry Wall Cost (40 foot average depth)	\$227 / linear foot	\$45 / linear foot
Slurry Wall Cost (50 foot average depth)	\$284 / linear foot	\$57 / linear foot
Slurry Wall Cost (60 foot average depth)	\$340 / linear foot	\$68 / linear foot
Slurry Wall Cost (70 foot average depth)	\$397 / linear foot	\$79 / linear foot

#### Overhead and Profit Costs

Liability insurance	2.02%	of direct cost
Performance bond	1.05%	of direct cost
Profit	10.00%	of direct cost
Total Overhead Cost	13.07%	of direct cost

#### Project Management

Engineering and bidding	2.00%	of direct cost
Management and administration	5.00%	of direct cost
Total Additional Cost	7.00%	of direct cost

### **Disturbed Areas** (Disturbed Area = 6.25 acres) (Reclamation of These Areas are Complete)

Reclamation Operation	Quantity	Unit	Unit Cost	Cost
<b><u>Disturbed Areas West of Pit Road Adjacent to Phase 1 / Ditch to River</u></b>				
Scarify Ground in Disturbed Area	3.09	ac	\$322	\$994
Topsoil Disturbed Area	3.09	ac	\$2,541	\$7,852
Revegetate Disturbed Area	3.09	ac	\$1,100	\$3,400
<b><u>Parking Area</u></b>				
Scarifying Ground in Disturbed Area	3.16	ac	\$322	\$1,016
Topsoil Placement in Disturbed Area	3.16	ac	\$2,541	\$8,030
Revegetate Disturbed Area	3.16	ac	\$1,100	\$3,477
Total Direct Cost				\$24,768
Overhead and Profit Cost (13.07%)				\$3,237
Contract Cost				\$28,005
Project Management (7.00%)				\$1,734
<b>Financial Warranty Required For Disturbed Areas</b>				<b>\$29,739</b>





**Reclamation Bond Quantities and Costs**

© 2021 **J&T Consulting, Inc.**

**Non-Mining Areas (Surface Only Activity)** (Disturbed Area = 294.79 acres)

<b>Reclamation Operation</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Cost</b>
<b><u>West Wash Plant, Stockpile, and Sediment Pond Area</u></b>				
Backfill Sediment Ponds	6,145	cyd	\$3.00	\$18,435
Scarifying Ground in Disturbed Area	18.24	ac	\$322	\$5,865
Topsoil Placement in Disturbed Area	18.24	ac	\$2,541	\$46,348
Revegetate Disturbed Area	18.24	ac	\$1,100	\$20,070
<b><u>Parcel B Area</u></b>				
Scarifying Ground in Disturbed Area	23.05	ac	\$322	\$7,412
Topsoil Placement in Disturbed Area	23.05	ac	\$2,541	\$58,571
Revegetate Disturbed Area	23.05	ac	\$1,100	\$25,362
Radial Stacker Pad Concrete Removal	1.00	LS	\$3,000	\$3,000
<b><u>Stockpile and Plant Site Areas (Surface only in Phase 7)</u></b>				
Scarifying Ground in Disturbed Area	144.66	ac	\$322	\$46,515
Topsoil Placement in Disturbed Area	144.66	ac	\$2,541	\$367,585
Revegetate Disturbed Area	144.66	ac	\$1,100	\$159,172
<b><u>Stockpile, Sediment Pond Areas, &amp; Scale House Area (Surface only in Phase 9)</u></b>				
Backfill Sediment Ponds	17,655	cyd	\$3.00	\$52,965
Move Overburden Stockpile Material Into a Below Grade Mined area	420,000	cyd	\$0.90	\$378,000
Scarifying Ground in Disturbed Area	108.84	ac	\$322	\$34,998
Topsoil Placement in Disturbed Area	108.84	ac	\$2,541	\$276,566
Revegetate Disturbed Area	108.84	ac	\$1,100	\$119,759
Removal & Disposal of Conveyor Ties, Wash Screen and Head Unit Pads	1.00	ls	\$19,000	\$19,000
<b><u>Mobilization</u></b>	1.00	ls	\$54,000	\$54,000
Total Direct Cost				\$1,693,623
Overhead and Profit Cost (13.07%)				\$221,357
Contract Cost				\$1,914,980
Project Management (7.00%)				\$118,554
<b>Financial Warranty Required For Non-Mining Areas (Surface Only Activity)</b>				<b>\$2,033,533</b>



**Reclamation Bond Quantities and Costs**  
**© 2021 J&T Consulting, Inc.**

**Phase 1** (Mining Limit = 36.31 acres) (Disturbed Area = 41.81 acres) (Slurry wall has been constructed and leak test approved by State)

Reclamation Operation	Quantity	Unit	Unit Cost	Cost
Topsoil Area Above Water Required for Phase 1	5.01	ac	\$2,541	\$12,726
Revegetate Area Above Water Required for Phase 1	5.01	ac	\$1,100	\$5,511
20% Cost of Slurry Wall on South/East side of Phase 1 (70' avg Depth)	2,725	lf	\$79	\$216,311
			Total Direct Cost	\$234,547
			Overhead and Profit Cost (13.07%)	\$30,655
			Contract Cost	\$265,203
			Project Management (7.00%)	\$16,418

**Financial Warranty Required For Phase 1** **\$281,621**

**Phase 2** (Mining Limit = 75.09 acres) (Disturbed Area = 84.18 acres) (Slurry wall has been constructed and leak test approved by State)

Reclamation Operation	Quantity	Unit	Unit Cost	Cost
<b>Active Mining Area</b>				
Topsoil Area Above Water Required for Phase 2	6.08	ac	\$2,541	\$15,459
Revegetate Area Above Water Required for Phase 2	6.08	ac	\$1,100	\$6,694
20% Cost of Slurry Wall on Outside of Phase 2 (60' avg Depth)	6,625	lf	\$68	\$450,765
			Total Direct Cost	\$472,917
			Overhead and Profit Cost (13.07%)	\$61,810
			Contract Cost	\$534,728
			Project Management (7.00%)	\$33,104

**Financial Warranty Required For Phase 2** **\$567,832**

**Phase 8** (Mining Limit = 32.66 acres) (Disturbed Area = 42.13 acres)

Reclamation Operation	Quantity	Unit	Unit Cost	Cost
<b>Active Mining Area</b>				
Topsoil Area Above Water Required for Phase 8	6.48	ac	\$2,541	\$16,466
Revegetate Area Above Water Required for Phase 8	6.48	ac	\$1,100	\$7,130
Cost of Slurry Wall Phase 8 (35' avg Depth)	4,814	lf	\$198	\$955,338
			Total Direct Cost	\$978,934
			Overhead and Profit Cost (13.07%)	\$127,947
			Contract Cost	\$1,106,881
			Project Management (7.00%)	\$68,525

**Additional Financial Warranty Required For Phase 8** **\$1,175,406**



**Reclamation Bond Quantities and Costs**  
**© 2021 J&T Consulting, Inc.**

**Phase 3** (Mining Limit = 128.09 acres) (Disturbed Area = 143.46 acres)

Reclamation Operation	Quantity	Unit	Unit Cost	Cost
<b>Active Mining Area</b>				
Topsoil Area Above Water Required for Phase 3	14.33	ac	\$2,541	\$36,413
Revegetate Area Above Water Required for Phase 3	14.33	ac	\$1,100	\$15,768
Cost of Slurry Wall Phase 3 (60' avg Depth)	10,607	lf	\$340	\$3,608,501
Total Direct Cost				\$3,660,682
Overhead and Profit Cost (13.07%)				\$478,451
Contract Cost				\$4,139,133
Project Management (7.00%)				\$256,248
<b>Additional Financial Warranty Required For Phase 3</b>				<b>\$4,395,381</b>

**Phase 4** (Mining Limit = 237.82 acres) (Disturbed Area = 258.95 acres)

Reclamation Operation	Quantity	Unit	Unit Cost	Cost
<b>Active Mining Area</b>				
Topsoil Area Above Water Required for Phase 4	19.80	ac	\$2,541	\$50,312
Revegetate Area Above Water Required for Phase 4	19.80	ac	\$1,100	\$21,786
Cost of Slurry Wall Phase 4 (50' avg Depth)	12,673	lf	\$284	\$3,592,796
Total Direct Cost				\$3,664,894
Overhead and Profit Cost (13.07%)				\$479,002
Contract Cost				\$4,143,896
Project Management (7.00%)				\$256,543
<b>Additional Financial Warranty Required For Phase 4</b>				<b>\$4,400,439</b>

**Phase 5** (Mining Limit = 164.44 acres) (Disturbed Area = 181.46 acres)

Reclamation Operation	Quantity	Unit	Unit Cost	Cost
<b>Active Mining Area</b>				
Topsoil Area Above Water Required for Phase 5	19.12	ac	\$2,541	\$48,584
Revegetate Area Above Water Required for Phase 5	19.12	ac	\$1,100	\$21,038
Cost of Slurry Wall Phase 5 (30' avg Depth)	14,142	lf	\$170	\$2,405,554
Total Direct Cost				\$2,475,177
Overhead and Profit Cost (13.07%)				\$323,506
Contract Cost				\$2,798,682
Project Management (7.00%)				\$173,262
<b>Additional Financial Warranty Required For Phase 5</b>				<b>\$2,971,945</b>



**Reclamation Bond Quantities and Costs**

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**Phase 6** (Mining Limit = 195.02 acres) (Disturbed Area = 212.74 acres)

<b>Reclamation Operation</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Cost</b>
<b>Active Mining Area</b>				
Topsoil Area Above Water Required for Phase 6	20.12	ac	\$2,541	\$51,126
Revegetate Area Above Water Required for Phase 6	20.12	ac	\$1,100	\$22,138
Cost of Slurry Wall Phase 6 (35' avg Depth)	14,876	lf	\$198	\$2,952,142
			Total Direct Cost	\$3,025,406
			Overhead and Profit Cost (13.07%)	\$395,421
			Contract Cost	\$3,420,827
			Project Management (7.00%)	\$211,778
<b>Additional Financial Warranty Required For Phase 6</b>				<b>\$3,632,605</b>

**Phase 7** (Mining Limit = 121.68 acres) (Disturbed Area = 144.66 acres)

<b>Reclamation Operation</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Cost</b>
<b>Active Mining Area</b>				
Credits From Non-Mining Areas (Surface Only Activity) Above Stockpile and Plant Site Areas (Surface only in Phase 7)				
Scarifying Ground in Disturbed Area	(144.66)	ac	\$322	-\$46,515
Topsoil Placement in Disturbed Area	(144.66)	ac	\$2,541	-\$367,585
Revegetate Disturbed Area	(144.66)	ac	\$1,100	-\$159,172
<b>Active Mining Area</b>				
Disturbed Areas Above (Outside) Water Surface Area				
Topsoil Area Above Water Required for Phase 7	16.23	ac	\$2,541	\$41,241
Revegetate Area Above Water Required for Phase 7	16.23	ac	\$1,100	\$17,858
Cost of Slurry Wall Phase 7 (40' avg Depth)	10,954	lf	\$227	\$2,484,367
			Total Direct Cost	\$1,970,193
			Overhead and Profit Cost (13.07%)	\$257,504
			Contract Cost	\$2,227,697
			Project Management (7.00%)	\$137,914
<b>Additional Financial Warranty Required For Phase 7</b>				<b>\$2,365,611</b>

**Phase 9** (Mining Limit = 91.38 acres) (Disturbed Area = 108.84 acres)

<b>Reclamation Operation</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Cost</b>
<b>Active Mining Area</b>				
Credits From Non-Mining Areas (Surface Only Activity) Above Stockpile, Sediment Pond Areas, & Scale House Area (Surface only in Phase 9)				
Scarifying Ground in Disturbed Area	(108.84)	ac	\$322	-\$34,998
Topsoil Placement in Disturbed Area	(108.84)	ac	\$2,541	-\$276,566
Revegetate Disturbed Area	(108.84)	ac	\$1,100	-\$119,759
<b>Active Mining Area</b>				
Disturbed Areas Above (Outside) Water Surface Area				
Topsoil Area Above Water Required for Phase 9	12.50	ac	\$2,541	\$31,763
Revegetate Area Above Water Required for Phase 9	12.50	ac	\$1,100	\$13,754
Cost of Slurry Wall Phase 9 (50' avg Depth)	9,259	lf	\$284	\$2,624,927
			Total Direct Cost	\$2,239,121
			Overhead and Profit Cost (13.07%)	\$292,653
			Contract Cost	\$2,531,774
			Project Management (7.00%)	\$156,738
<b>Additional Financial Warranty Required For Phase 9</b>				<b>\$2,688,513</b>

**Total Financial Warranty Required For All Phases** **\$24,542,625**



# Carrigan Excavating, LLC

30687 County Road 19

Lamar, CO 81052

719-336-3313

carriganexcavatingllc@gmail.com

## Estimate

Date	Estimate #
4/27/2021	706

Name / Address

Prowers Aggregates

PO Box 965

Lamar, CO 81052

Terms

Due on receipt

Item	Description	Qty	Cost	Total
DESCRIPTION	Move 420,000 CY of overburden from existing stock piles to phase 3 and phase 8 @ .90 per CY	420,000	0.90	378,000.00
Total				\$378,000.00

Signature \_\_\_\_\_ Date \_\_\_\_\_





Barr H. Inman  
1105 E. Maple St.  
Lamar, CO 81052

January 5, 2021

*Re: Agreement for Compensation for Damage to Structures within 200 feet of mining activities*

To Whom It May Concern:

Prowers Aggregate Operators, LLC has applied for an amendment to their current State of Colorado Division of Reclamation, Mining, and Safety (DRMS) Reclamation Permit M2008-078 to allow sand and gravel mining on property within 200 feet of structures located on your property. The Colorado Mined Land Reclamation Act provides protection for your property, and specific protection for your structures located within 200 feet of the mining activities.

DRMS Permit approval requires a notarized agreement between the applicant and owners of structures within 200 feet of the mining activities, providing compensation for any damage to the structure; or preparation of an engineering evaluation acceptable to the DRMS, demonstrating that such structure(s) shall not be damaged by the mining activities if an agreement cannot be reached.

Prowers Aggregate Operators, LLC has had an engineering evaluation performed to determine acceptable setbacks from their proposed mining permit boundary and mining limit to structures adjacent to the mining. The proposed mining slopes and setbacks were analyzed using Clover Technologies Galena Slope Stability Analysis System. Galena was designed to analyze the slope stability of earth embankments subjected to several critical situations that may occur during the life of the embankment. The procedure searches for circular shear failures and automatically searches for the lowest safety factor. The required minimum safety factors are based on the current Policies of the Colorado Mined Land Reclamation Board (MLRB) criteria for critical and non-critical structures. The safety factors attained using the setbacks shown on the Mining Plan are greater than the required safety factors specified by the MLRB for embankments during static conditions, and embankments subjected to earthquake loading, based on the United States Geological Survey earthquake peak acceleration factors for the area. This evaluation indicated that damage to structures adjacent to the mining should not occur, even during earthquake conditions, which are very unlikely to be present.

With this letter, Prowers Aggregate Operators, LLC requests your authorization to conduct mining and reclamation activities within 200 feet of your structure(s). In return for this authorization, Prowers Aggregate Operators, LLC agrees to provide fair compensation for any damage to your structure(s) resulting from its mining and reclamation activities. Your notarized signature below grants permission for Prowers Aggregate Operators, LLC to conduct mining and reclamation activities within 200 feet of your structure(s), and acknowledges Prowers Aggregate Operators, LLC's commitment to provide fair compensation for any damages to said structure(s) caused by Prowers Aggregate Operators, LLC's mining and reclamation activities.

Barr H. Inman  
January 5, 2021  
Page 3

Sincerely,



Karl Nyquist, Manager  
Prowers Aggregate Operators, LLC

1/5/21  
Date

State of Colorado  
County of Jefferson

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of January, 2021 (date)  
by Karl Nyquist (name of person acknowledging).



(Notary's official signature)



5/15/2024  
(Commission expiration)

\_\_\_\_\_  
Barr H. Inman

\_\_\_\_\_  
Date

State of Colorado  
County of \_\_\_\_\_

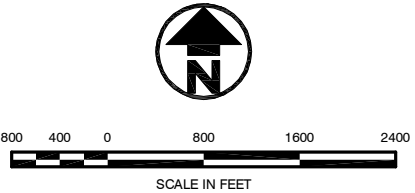
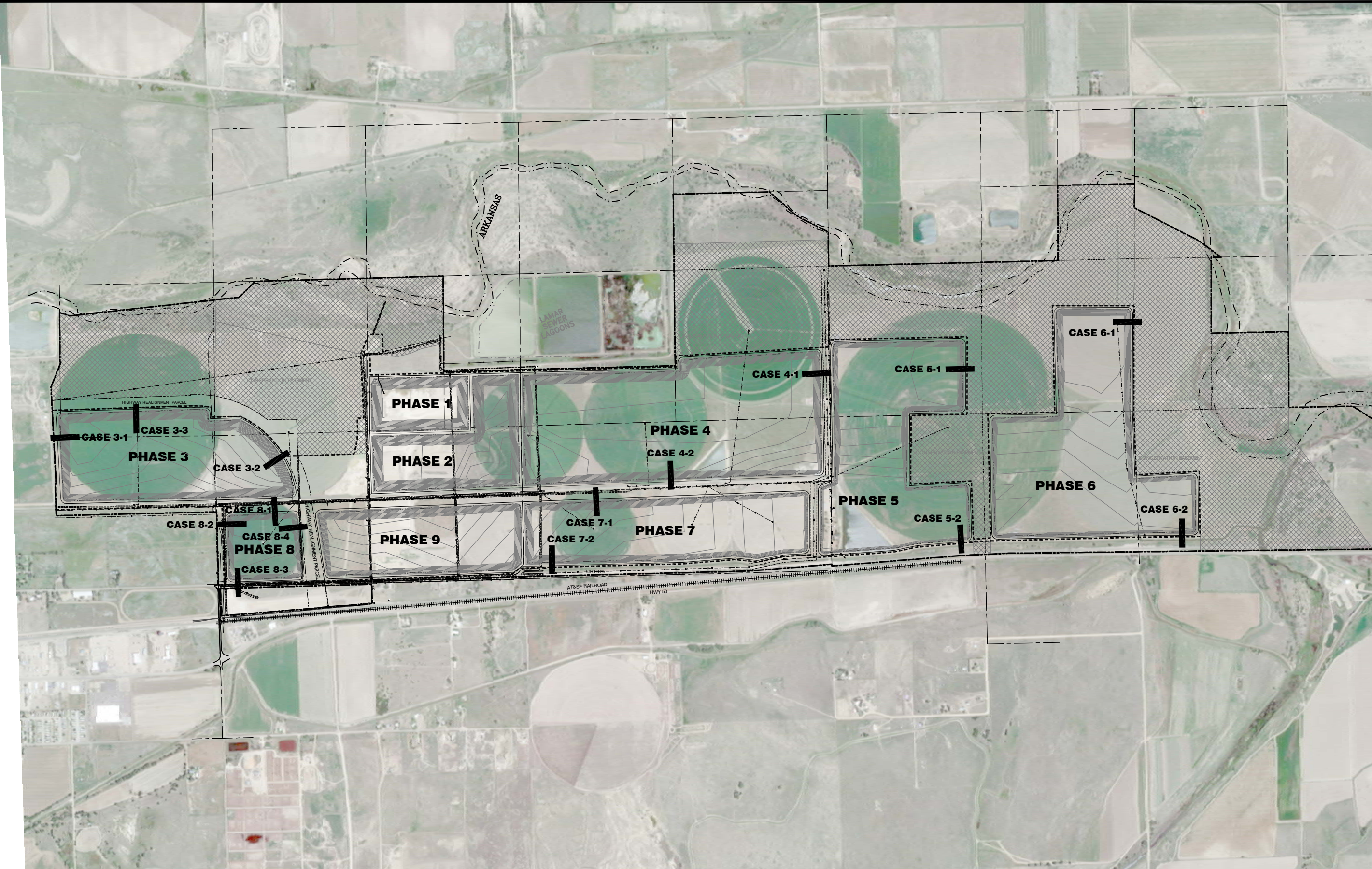
The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date)  
by \_\_\_\_\_ (name of person acknowledging).

\_\_\_\_\_  
(Notary's official signature)

\_\_\_\_\_  
(Commission expiration)



P:\07115 GP Ranches LLC - Lamar\Drawings\Slope Stability\2020 Expansion\JT-2020 SS Case Location Map.dwg, Cases, 1/5/2021 9:29:16 AM



REVISIONS				Description
No	Date	By	Chk	

Job #	07115
Date	12.3.20
Drawn By	TPY
Designed By	TPY
Checked By	JCY
File	JT-2020 SS Case Map
Scale	1" = 800'
Sheet:	Of:
1	1

**Prowers Aggregate Operators, LLC.**

**M-2008-078**

**West Farm Pit Expansion**

Slope Stability  
Case Location Map

**J&T Consulting, Inc.**

305 Denver Avenue - Suite D  
Fort Lupton, CO 80621  
Ph: 303-957-6222 Fax: 303-957-6224  
www.jtconsulting.com

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Barr H. Inman**  
1105 E Maple Street  
Lamar, CO 81052



9590 9402 3805 8032 5302 18

2. Article Number (Transfer from service label)

7019 1640 0000 5246 1732

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *B. Inman C49* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

*02-03-21*

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®              | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input checked="" type="checkbox"/> Return Receipt for Merchandise  |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail Restricted Delivery (0)            |   |





Prowers County  
301 South Main  
Lamar, CO 81052

April 28, 2021

*Re: Agreement for Compensation for Damage to Structures within 200 feet of mining activities*

To Whom It May Concern:

Prowers Aggregate Operators, LLC has applied for an amendment to their current State of Colorado Division of Reclamation, Mining, and Safety (DRMS) Reclamation Permit M2008-078 to allow sand and gravel mining on property within 200 feet of structures located on your property. The Colorado Mined Land Reclamation Act provides protection for your property, and specific protection for your structures located within 200 feet of the mining activities. County Road HH.5 is the structure that is within 200 feet of the mining activities.

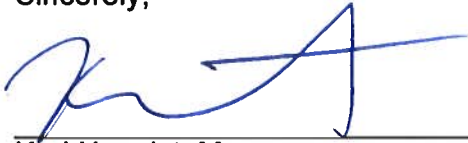
DRMS Permit approval requires a notarized agreement between the applicant and owners of structures within 200 feet of the mining activities, providing compensation for any damage to the structure; or preparation of an engineering evaluation acceptable to the DRMS, demonstrating that such structure(s) shall not be damaged by the mining activities if an agreement cannot be reached.

GP Aggregates, LLC (the land owner and Prowers County Special Use Permit holder) and Prowers County have an existing agreement for the use and maintenance of county roads as part of their mining activities at the West Farm Pit. This agreement specifies that the mining operation will maintain the roads and repair any damage to the roads caused by the mining operation. The executed agreement is attached for your reference. This agreement should also have the figure depicting the County Road HH.5 and County Road HH.8 revised to only show County Road HH.5 as County Road HH.8 was previously vacated by Prowers County. The figure should also add the small portion of CR 11 at the intersection with County Road HH.5.

PAO requests that you sign/notarize this letter confirming that the previous agreement is still in affect and is valid for the amended mine layout. A map showing the amended mine layout is attached for your reference.

Prowers County  
April 28, 2021  
Page 2

Sincerely,



Karl Nyquist, Manager  
Prowers Aggregate Operators, LLC

4/28/21  
Date

State of Colorado  
County of Jefferson

The foregoing instrument was acknowledged before me this April 28, 2021 (date)  
by Karl Nyquist (name of person acknowledging).



(Notary's official signature)



5-15-24  
(Commission expiration)

\_\_\_\_\_  
Prowers County

\_\_\_\_\_  
Date

State of Colorado  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date)  
by \_\_\_\_\_ (name of person acknowledging).

\_\_\_\_\_  
(Notary's official signature)

\_\_\_\_\_  
(Commission expiration)



[illegible]

Job #	07115
Date	1.4.21
Drawn By	TPY
Designed By	TPY
Checked By	JCY
File	JT-2020 SS Case Map
Scale	1" = 800'



**PROWERS COUNTY ROAD DEPARTMENT  
AGREEMENT FOR USE AND MAINTENANCE OF COUNTY ROADS**

**Effective Date: September 30, 2018**

GP Aggregates, LLC a Colorado limited liability company whose address is 7991 Shaffer Parkway, suite 200, Littleton, CO 80127, on behalf of itself, its agents and contractors (collectively, "**Permittee**") has requested authorization by the Prowers County Road Department ("**County**") to use certain sections of roadways of Prowers County shown as Roads in the attached Exhibit A incorporated herein by this reference to transport and haul the following:

Cranes, trucks, tractors, haul trucks, conveyors, construction equipment, construction vehicles, and short- and long-bed trailers; water tanks; meteorological and wind measuring equipment, including anemometer towers and all necessary and proper appliances and fixtures for use in connection with said towers; wind turbine nacelles and blades, steel towers, rock, grain, other commodities, concrete for construction of foundations and support structures, footings, anchors, fences and other fixtures and facilities; electrical transmission and fiber optic wires and cables, steel or wooden poles; and any other improvements, including facilities, machinery and equipment necessary or desirable for The GP gravel pit (the "**Project**").

Permittee requests this authority continue for the length of Permittee's Special Use Permit No. 2017-02

**1. Use of County Roads.**

**1.1** Permittee understands and agrees that, although these roadways are part of the Prowers County road system and are subject to normal traffic use, Permittee, by virtue of its extraordinary use, assumes responsibility for any repairs and maintenance and the for traffic control on such roadways resulting from its use of roadways as haul roads.

**1.2** County hereby agrees to Permittee's use of the roadways subject to the conditions contained herein. Permittee is solely responsible for obtaining any other permit or license that County or any other governmental entity may require to operate or move Permittee's vehicles on county roads. This Agreement for Use and Maintenance of Roads (this "**Agreement**") does not relieve Permittee's subcontractors, agents or employees from complying with applicable speed limits, weight restrictions, or other posted restrictions on any Prowers County road.

**1.3** Any improvements to or widening of the Roads necessitated by Permittee's operations, including modification of roadway approaches to accommodate transport vehicles, will be considered incidental to the activity performed, shall be made at Permittee's sole expense unless otherwise authorized in addendum to this Agreement, and shall remain in place or be removed at the County's choice. Any such improvement shall be authorized by County permit and shall become the property of County as determined by County.

2. **Maintenance of Roads.** Permittee agrees to maintain the Roads in a safe condition satisfactory to the County. Maintenance shall include dust control and gravel replacement. Any maintenance activities agreed to by the Parties other than as described in this Paragraph 2 will be identified in writing, signed by both Parties, and attached as an addendum to this Agreement.

3. **Assumption of Risk and Liability.**

3.1 County has not made and does not herein make any representation as to the present or future conditions of the Roads or the character of the traffic on such roads. Permittee assumes all risks of damage to property of or injury to, Permittee or anyone acting under the authority granted to Permittee by this Agreement.

3.2 Permittee agrees and covenants to indemnify, defend, and save harmless County for, from, and against any loss, damage, costs, charges, liability, claims, demands, or judgments, whether to persons or property, arising out of any act, action, neglect, omission, or default on the part of Permittee or any person or entity acting under Permittee's authority granted by this Agreement.

3.3 Permittee shall maintain, for the term of this Agreement, Public Liability and Property Damage Insurance. For the term of this Agreement, County shall be named as an additional insurance on Permittee's Public Liability and Property Damage Insurance, and Permittee shall provide to County proof of insurance and proof the additional insured designation.

4. **Termination.** This Agreement may be terminated by County upon any occurrence of:

- A. Violation by Permittee of any term of this Agreement.
- B. Risk of imminent threat to public health, safety, or welfare as a result of continued use by Permittee of the Roads.
- C. Receipt by County of notice from Permittee that Permittee has permanently ceased operations and desires to terminate this Agreement, at which time a post-inspection will be conducted.

4.1 Upon termination of this Agreement, for any reason, Permittee shall immediately discontinue operations covered by this Agreement.

4.2 Termination of this Agreement shall not prejudice County's right to collect damages incurred as a result of Permittee's use of the Roads.

4.3 If, after termination of this Agreement, Permittee desires to resume operation, Permittee shall request to enter into a new road agreement with County.

5. **Notices.** All notices and oral or written communications relating to this Agreement shall be made to the person identified below on behalf of each Party. All written notices shall be deemed given when personally delivered, or in lieu of such personal service, five (5) days after deposit in the United States mail, first class, postage prepaid, certified, or the next business day if sent by reputable overnight courier, provided receipt is obtained and charges prepaid by the delivering party. Any notice shall be addressed as follows:



On behalf of Prowers County:  
Mark Dorenkamp  
Title: Road & Bridge Supervisor  
Phone: 719-336-5536  
109 East Sherman  
Lamar, CO 81052

On behalf of Permittee:  
Karl Nyquist  
Title: Manager  
Phone: 303-389-6777  
7991 Shaffer Parkway, Suite 200  
Littleton, CO 80127  
Attn: Karl Nyquist

6. **Miscellaneous.**

6.1 **Compliance with Laws.** Permittee shall comply with all federal, State of Colorado, and local laws and regulations.

6.2 **Severability.** If any portion of this Agreement is held invalid, it shall have no effect upon the validity of the remaining portions of this Agreement.

6.3 **Entire Agreement; Binding Effect; Amendments.** This Agreement constitutes the entire agreement of the Parties with regard to its subject matter. This Agreement shall not be modified or amended except in a writing signed by the Parties. This Agreement is binding upon the parties and their respective successors and permitted assigns. This Agreement is only for the benefit of the parties hereto, and no third party shall have any right, claim or interest hereunder. This Agreement will be enforced as written. In the event of any conflict with the provisions of the main agreement, the provisions of this Addendum will control.

6.4 **Governing Law; Dispute Resolution.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Colorado. If the parties are unable to resolve amicably any dispute arising out of or in connection with this Agreement, they agree that such dispute shall be resolved in a court of competent jurisdiction located in Prowers County, or if none, then a court of competent jurisdiction located nearest to Prowers County.

6.5 **CONSEQUENTIAL DAMAGES. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, PERMITTEE SHALL NOT BE ENTITLED TO, AND PERMITTEE HEREBY WAIVES ANY AND ALL RIGHTS TO RECOVER, CONSEQUENTIAL, INCIDENTAL AND PUNITIVE OR EXEMPLARY DAMAGES FROM COUNTY, HOWEVER ARISING, WHETHER IN CONTRACT, IN TORT OR OTHERWISE, UNDER OR WITH RESPECT TO ANY ACTION TAKEN IN CONNECTION WITH THIS AGREEMENT.**

6.6 **Counterparts.** This Agreement may be executed in multiple counterparts, all of which shall constitute one and the same Agreement.

6.7 **Statutory County.** County, which is a statutory county in the State of Colorado, reserves all rights as a statutory entity, including governmental immunity as provided by law.

6.8 **Assignment.** Permittee may not assign this Agreement without the prior written consent of the County.

6.9 **Public Record.** In the event County receives a public records demand pursuant to the Colorado Open Records Act for copies of documents which are or may be confidential, or may otherwise

be subject to non-disclosure, County shall give written notice by facsimile and/or email to Permittee. Permittee shall notify County in writing by facsimile and/or email within two (2) working days of notification if any documents requested as a public record should not be disclosed. Permittee shall indemnify and hold harmless County for any public record requests where Permittee requests County not to disclose such records.

**6.10 Statutory Limits on Liability.** Because County is a public entity, and is subject to statutory limits on spending including funds which have been duly appropriated, County and its officers, agents, employees and representatives shall in no event be liable for damages to Permittee, or any other party, whether based upon breach of contract, tort, strict liability, breach of warranty, or any other claim for relief of whatever nature or description. However, Permittee may be awarded actual damages for breach of contract, specific performance, injunctive relief or other similar non-monetary remedy if proven by Permittee.

**6.11 Actions of Permittee.** Permittee shall be solely responsible for the acts of Permittee, its employees, and agents. Neither Permittee nor any agent or employee of Permittee shall be or shall be deemed to be an agent or employee of County. Permittee shall have no authorization, express or implied, to bind County to any agreements, liabilities, or understandings. Permittee shall provide and keep in force worker's compensation and unemployment compensation insurance in the amounts required by Colorado law.

**6.12 Illegal Aliens.** Permittee certifies that Permittee shall comply with the provisions of C.R.S. 8-17.5-101 et seq. Permittee shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to Permittee that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. Permittee represents, warrants, and agrees that it (i) has verified that it does not employ any illegal aliens, through participation in the Basic Pilot Employment Verification Program administered by the Social Security Administration and Department of Homeland Security, and (ii) otherwise will comply with the requirements of C.R.S. 8-17.5-102(2)(b). Permittee shall comply with all reasonable requests made in the course of an investigation under C.R.S. 8-17.5-102 by Colorado Department of Labor and Employment. If Permittee fails to comply with any requirement of this provision or C.R.S. 8-17.5-101 et seq., County may terminate this contract for breach, and Permittee shall be liable for actual and consequential damages to County.

**6.13 Officials Not To Benefit.** No official or employee of County shall directly or indirectly receive or be paid any share or part of this Agreement or any benefit that may arise therefore in violation of Article 29 of the Colorado Constitution. Permittee warrants that it has not retained any company or person (other than a bona fide employee working solely for Permittee) to solicit or secure this Agreement, and that Permittee has not paid or agreed to pay to any company or person, (other than a bona fide employee working for Permittee), any fee, commission, percentage, brokerage fee, gift or any other consideration contingent upon or resulting from the award of this Agreement to Permittee. Upon discovery of any breach or violation of this provision, County shall have the right to terminate this Agreement.

**6.14 Governmental Immunity.** Notwithstanding any other provision of this Agreement to the contrary, no term or provision of this Agreement shall be construed or interpreted as a limitation to or waiver by County of any applicable provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S., as now or hereafter amended, §24-30-1501, et seq., C.R.S., as now or hereafter




amended, and any other immunity statute. Any provisions of this Agreement, whether or not incorporated herein by reference, shall be controlled, limited and otherwise modified so as to limit any liability of County as provided by said laws.

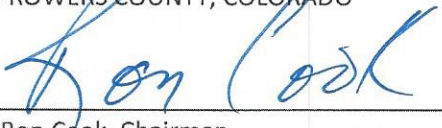

**6.15 No Presumption of Good Faith and Fair Dealing.** There is no presumption of good faith and fair dealing in the performance of this Agreement by either party.

**6.16 No Third Party Beneficiary Intended.** No provision in this Agreement is intended or shall create any rights with respect to the subject matter of this Agreement in any third party. This Agreement shall be construed to benefit of County and Permittee, and shall not be construed to create third party beneficiary rights in any other party. No person not a party to this Agreement is an intended beneficiary of this Agreement, and no person not a party to this Agreement shall have any right to enforce any term of this Agreement.

IN WITNESS WHEREOF, Permittee and County have caused this Agreement to be signed by their respective and duly authorized officers.

**Permittee:**

By:   
Printed Name: Karl Nyquist  
Title: Manager

BOARD OF COUNTY COMMISSIONERS PROWERS COUNTY, COLORADO	
By	 Ron Cook, Chairman
Attest:	
By	 Jana Coen, County Clerk
Date Signed:	10-9-18

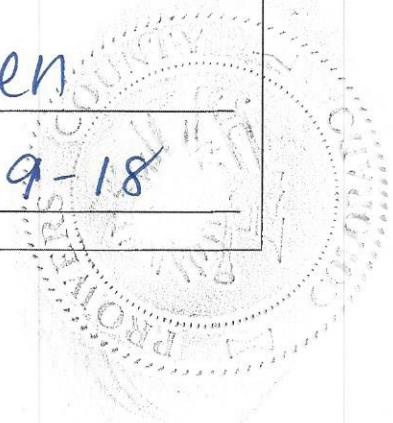


EXHIBIT A-1

PROPOSED ROADS USE LIST

1. HH.5 from the pit entrance west to County road 9
2. HH8/10 from east side of pit to County road 9

EXHIBIT A-2

PROPOSED ROADS MAP

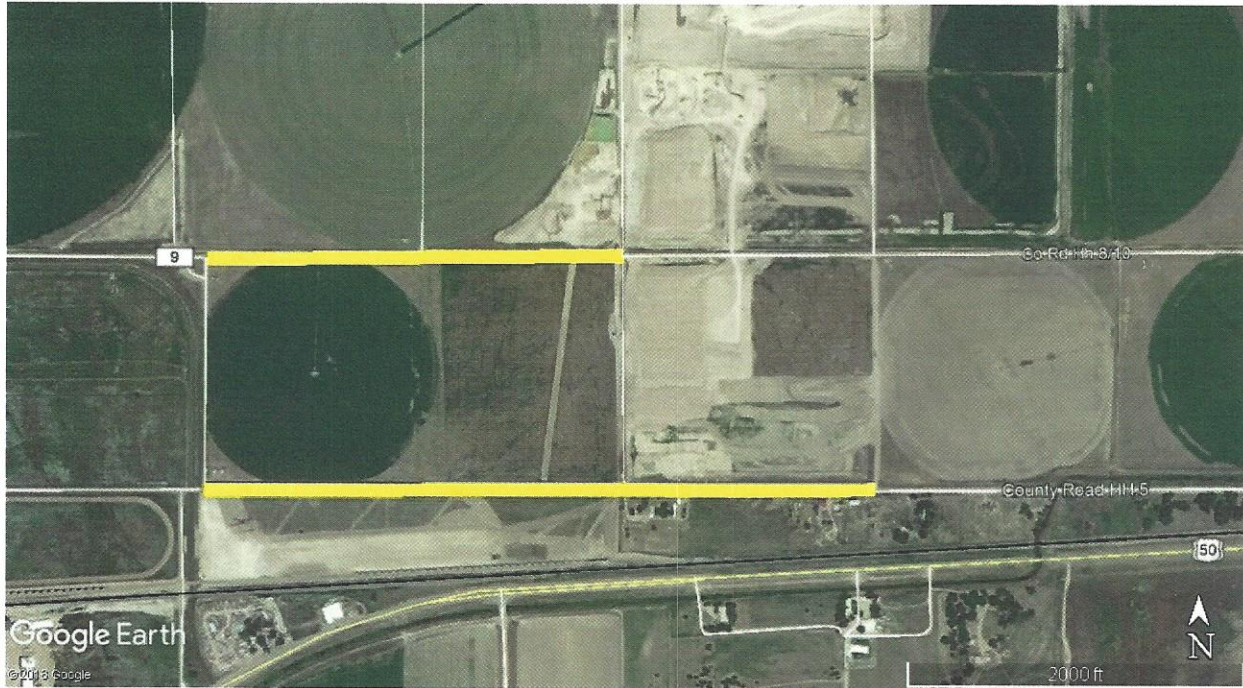


EXHIBIT A-1

## Todd Yee

---

**From:** Darla Specht <darlascrantonspecht@gmail.com>  
**Sent:** Wednesday, April 7, 2021 9:17 AM  
**To:** Karl Nyquist  
**Cc:** Michelle Hiigel; JC York; Bill Grasmick; Roy Cue  
**Subject:** Re: Prowers County Doc Reception Number 471604 - Highlighted.pdf

All:

I have reviewed the recorded minutes/resolution and also the recorded plat demonstrating the vacated roadway and find all to be appropriate. Upon the road being vacated, the property that was previously a public road is owned by the landowner(s) abutting the roadway, and where the roadway was previously located becomes private property. As owner of the property, you have the right to gate the road. As a precaution, you may want to also post the roadway as a private drive/road.

Darla

On Tue, Apr 6, 2021 at 2:51 PM Karl Nyquist <[Karl@cacompanies.com](mailto:Karl@cacompanies.com)> wrote:

Darla,

Here is the resolution showing the vacation of HH.8. Let us know how we should move forward.

Thanks

--

Darla Scranton Specht, Esq.  
SCRANTON SPECHT & ASSOCIATES, P.C.  
1204 E. Olive Street, PO Box 1500  
Lamar, CO 81052  
Phone: 719-336-6887  
Fax: 719-336-9887



Mr. Stewart Olive  
March & Olive, LLC  
1312 S. College Avenue  
Fort Collins, CO 80524

February 17, 2021

Re: *Prowers Aggregate Operators, LLC Reclamation Permit M2008-078*

Mr. Olive:

Prowers Aggregate Operators, LLC ("PAO") received your comment letter to the DRMS on February 10, 2021. We are reaching out to you to address the comments you provided to the DRMS.

Your letter indicates that our operation deposits dust and particulates on to the Nunnery properties and it is coming from the sand piles at the railroad loadout PAO operates. At no time in the past have the Nunnerys notified PAO of any concerns regarding fugitive dust emissions from the site so this is the first time we are hearing of their concern. PAO offers the following facts regarding the claims made by the Nunnerys.

PAO has multiple APEN permits with the Colorado Department of Health and Environment ("CDPHE") which together regulate emissions from the mining operation, and PAO operates in compliance with those permits.

PAO conveys washed sand to the locations you referred to in your letter as *"the large mounds of uncovered and unsprinkled sand and gravel north of the railroad tracks"*. This material is wet when it is being conveyed to the piles and remains wet for a considerable time, in particular since more wet sand is routinely deposited onto the pile after being washed and conveyed to the stockpile area. Further, we also utilize a water truck from time to time to spray the piles for dust control.

From the photos you provided to the DRMS the dust appears to be very fine and of small particulate size. As referenced above, our stockpiles of sand are comprised of washed material. The washing process eliminates the fine particulates and that is in fact the purpose of the process.

We would encourage the Nunnerys to please contact our site superintendent Mr. Roy Cue when they are having issues with dust so that we can help to minimize any dust that may be coming from the piles. Mr. Cue's contact information is provided below so Mr. and Mrs. Nunnery can call him when there are issues with dust.

Regarding your letter's claim about mining setbacks, PAO as part of the DRMS permit



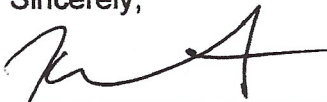
submittal requirements, had an engineering evaluation performed to determine, among other things, acceptable setbacks from structures adjacent to the mining operations. The engineering analysis has determined that the permit boundaries and setbacks from any structures are in all cases compliant with the permitting requirements and regulations.

Your letter indicated the Nunnery's existing well has dropped since PAO began its operation. If the Nunnery's have any information or evidence to support this claim we would appreciate if the Nunnery's would share this information with PAO. For example, do the Nunnery's have measurements over the course of a year or longer showing that the water level in the well has decreased? What is the State permit number for the existing well? PAO has installed a series of monitoring wells throughout its property and regularly monitors the ground water levels in these wells. Indeed, this is a permitting requirement implemented by the DRMS. We would propose monitoring the Nunnery's well on the same schedule/frequency as we monitor the monitoring wells on the PAO property. We would propose that the well level be monitored by our staff on a monthly basis on the same date that we record levels in the monitoring wells at the mine site. We would like to meet with the Nunnery's and determine if there is a port or the ability to remove the cover on the pitless adaptor (typically installed on most domestic wells) so that the level of the water in the well can be recorded.


PAO has installed slurry walls around the existing mining cells/phases so that they do not affect the ground water table by dewatering and pulling the water table down to lower levels. The slurry walls have passed leak testing as required by the State Engineer's Office so they meet the State standards. The slurry wall provides an impermeable barrier so that the ground water does not pass through the slurry wall into the mining cell/phase. The converse is also true; the slurry wall does not allow water to pass through the slurry wall out of the mining cell/phase. Accordingly, the water table outside the slurry walls is not affected by mining operations. The well pumping for the irrigation of the farm ground has also decreased with the acres where the mining is occurring no longer being farmed. There is less water being removed from the alluvial aquifer by the operations for the farming and the mining.

Please contact us if you have further questions so that we can discuss and work with you and your client to come to a final resolution on the issues you have presented to the DRMS.

Sincerely,



Karl Nyquist, Manager  
Powers Aggregate Operators, LLC



Roy Cue, Site Superintendent  
Powers Aggregate Operators, LLC  
(719) 688-4477

2/17/21  
Date

2/17/2021  
Date

Mr. Stewart Olive  
March & Olive, LLC  
1312 S. College Avenue  
Fort Collins, CO 80524

March 18, 2021

*Re: Prowers Aggregate Operators, LLC Reclamation Permit M2008-078*

Mr. Olive:

Prowers Aggregate Operators, LLC ("PAO") previously responded to your comment letter to the DRMS on February 17, 2021. We are reaching out to you again to provide additional data we received from the State of Colorado Division of Water Resources (DWR) regarding the well owned by the Nunnery's (Permit 233713).

The information from the DWR for Permit 233713 indicates the well was registered in 2001 and is a deep well drilled into the Dakota aquifer. The well is 320 feet deep per the drilling log. The well casing is steel pipe from the surface to a depth of 40 feet, then changes to PVC pipe from 40 feet to 280 feet and is screened with perforated PVC pipe from 280 feet to 320 feet. The casing was grouted at two different intervals from a depth of 5 feet to 45 feet and again from a depth of 180 feet to 260 feet. We have also attached the permit files for your reference.

Based on the records from the DWR this well is not connected to the alluvial aquifer as it is in the Dakota aquifer which is confined from the alluvial aquifer. The alluvial aquifer from the surface down to a depth of approximately 30 to 70 feet which is the aquifer the sand and gravel are being mined in. As stated in our previous letter PAO has installed slurry walls around the existing mining cells/phases so that they do not affect the ground water table. Since the Nunnery well is not connected to the alluvial aquifer there is not a need to monitor this well by PAO. PAO's operations do not use or remove water from the Dakota aquifer.

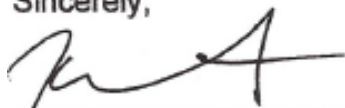
We have not received a response back from you regarding our last response letter that was sent certified mail and signed for by an agent of your company with initials MS on February 19, 2021. Again we would encourage the Nunnerys to please contact our site superintendent Mr. Roy Cue when they are having issues with dust so that we can help to minimize any dust that may be coming from the piles. Mr. Cue's contact information is provided below so Mr. and Mrs. Nunnery can call him when there are issues with dust.

We would also request that you withdraw your objection to the DRMS as we believe the issues you provided can be mitigated as we have proposed in this letter and our previous letter. We have included a withdrawal form that the DRMS uses.

Mr. Stewart Olive  
March 18, 2021  
Page 2

Please contact us if you have further questions so that we can discuss and work with you and your client to come to a final resolution on the issues you have presented to the DRMS.


Sincerely,



Karl Nyquist, Manager  
Prowers Aggregate Operators, LLC

3-18-21

Date



Roy Cue, Site Superintendent  
Prowers Aggregate Operators, LLC  
(719) 688-4477

3-18-21

Date

J. BRADFORD MARCH  
STEWART W. OLIVE

Daniel L. Sapienza

**MARCH & OLIVE, LLC**

ATTORNEYS AND COUNSELORS AT LAW  
1312 S. College Avenue  
FORT COLLINS, CO 80524  
(970) 482-4322  
FAX (970) 482-5719

ARTHUR E. MARCH  
1908-1981  
ARTHUR E. MARCH, JR.  
1933-2005  
JOHN W. PHARRIS  
Retired-2019

March 23, 2021

VIA CERTIFIED MAIL  
& REGULAR U.S. MAIL

Karl Nyquist  
Roy Cue  
Prowers Aggregate Operators  
9485 County Road HH  
P.O. Box 965  
Lamar, CO 81052

Re: Brian and Karen Nunnery, Reclamation Permit M2008-078

Dear Mr. Nyquist and Mr. Cue:

Please consider this letter as response to your letters of February 17 and March 18. I have spoken to Mr. Nunnery and I understand that he has spoken to Mr. Cue regarding the water and dust issues. Based on those discussions, Mr. Nunnery feels comfortable in handling the issues in this matter directly with you and the governmental authorities.

Please direct all futures communications in this matter to Mr. Nunnery directly. Thank you for your prompt responses to my letter.

Sincerely,



Stewart W. Olive  
Attorney at Law



## JC York

---

**From:** JC York  
**Sent:** Tuesday, April 27, 2021 10:46 AM  
**To:** bunnery@hotmail.com  
**Cc:** Karl Nyquist; Roy Cue; Bill Grasmick  
**Subject:** Well Measurements and Well Information  
**Attachments:** JT-Nunnery Wells 4.26.21.pdf; Nunnery Off-Site Well Readings 4.23.21.pdf; Well 1 - DWR\_1476103.pdf; Well 2 - DWR\_1554471.pdf; Well 3 - DWR\_1487069.pdf; Well 4 - DWR\_1333293.pdf; Well 4 - DWR\_1333295.pdf; Well 4 - DWR\_1333296.pdf; Well 4 - DWR\_1333297.pdf; Well 4 - DWR\_1333298.pdf

Mr. Nunnery –

Thank you for your help on Friday afternoon, April 23<sup>rd</sup> in locating the 4 wells you described to us and to your son for helping us access each well to measure the depth to the level of the water in each well.

We did some more research at the State's groundwater well data base and were able to find all of the wells are registered and details of the well drilling logs (attached for reference). All of the wells are Dakota formation/aquifer wells and not alluvial aquifer wells. Since this is the case these wells are not connected to the alluvial aquifer which is what the gravel pit cells are within. There will be no way the mining can affect your wells since there is no connection.

We have also provided a map of the well locations and spreadsheet with the depth to the water surface in each well. Please give us a call if you have any questions.

Regards,

J.C.

J.C. York, P.E.

**J&T Consulting, Inc.**  
305 Denver Avenue, Suite D  
Fort Lupton, CO 80621

Office: (303) 857-6222  
Mobile: (970) 222-9530  
FAX: (303) 857-6224

[illegible]



[illegible]

Job #	20124
Date	4.26.21
Drawn By	TPY
Designed By	TPY
Checked By	JCY
File	JT-Nunnery Wells
Scale	1"=300'

Sheet: **1** Of: **1**

## West Farm Pit

## Nunnery Well Locations



**J&T Consulting, Inc.**

305 Denver Avenue - Suite D  
Fort Lupton, CO 80621  
Ph: 303-857-6222 Fax: 303-857-6224  
[www.j-tconsulting.com](http://www.j-tconsulting.com)



## COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street - Room 818  
Denver, Colorado 80203

RECEIVED

JAN 5 1986

THIS FORM MUST BE SUBMITTED  
WITHIN 60 DAYS OF COMPLETION  
OF THE WORK DESCRIBED HERE-  
ON. TYPE OR PRINT IN BLACK  
INK.

## WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER 142342-AWATER RESOURCES  
STATE - ENGINEER  
DALLWELL OWNER Charles B. Nunnery NE ¼ of the SE ¼ of Sec. 33  
ADDRESS 9800 E Hwy 50 Lamar, CO T. 22 S, R. 46 W, 6 P.M.  
DATE COMPLETED November 20, 1985

## HOLE DIAMETER

8 in. from 0 to 37 ft.

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.

DRILLING METHOD RotaryCASING RECORD: Plain CasingSize 5 & kind plastic from 0 to 200 ft.

Size \_\_\_\_\_ &amp; kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size \_\_\_\_\_ &amp; kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

## Perforated Casing

Size 5 & kind plastic from 200 to 260 ft.

Size \_\_\_\_\_ &amp; kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size \_\_\_\_\_ &amp; kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

## GROUTING RECORD

Material CementIntervals 0-39

Placement Method \_\_\_\_\_

GRAVEL PACK: Size peaInterval 39-260

## TEST DATA

Date Tested November 20, 1985Static Water Level Prior to Test 60 ft.Type of Test Pump BailerLength of Test 1 1/2 hoursSustained Yield (Metered) 80 gal.Final Pumping Water Level 150 ft.

## WELL LOG

From	To	Type and Color of Material	Water Loc.
0	37	surface	
37	201	shale	
201	260	Dakota	
260	265	shale (M.E.P.)	
TOTAL DEPTH <u>260 ft.</u>			

Use additional pages necessary to complete log.



# PUMP INSTALLATION REPORT

Pump Make \_\_\_\_\_

Type \_\_\_\_\_

Powered by \_\_\_\_\_ HP \_\_\_\_\_

Pump Serial No. \_\_\_\_\_

Motor Serial No. \_\_\_\_\_

Date Installed \_\_\_\_\_

Pump Intake Depth \_\_\_\_\_

Remarks \_\_\_\_\_

## WELL TEST DATA WITH PERMANENT PUMP

Date Tested \_\_\_\_\_

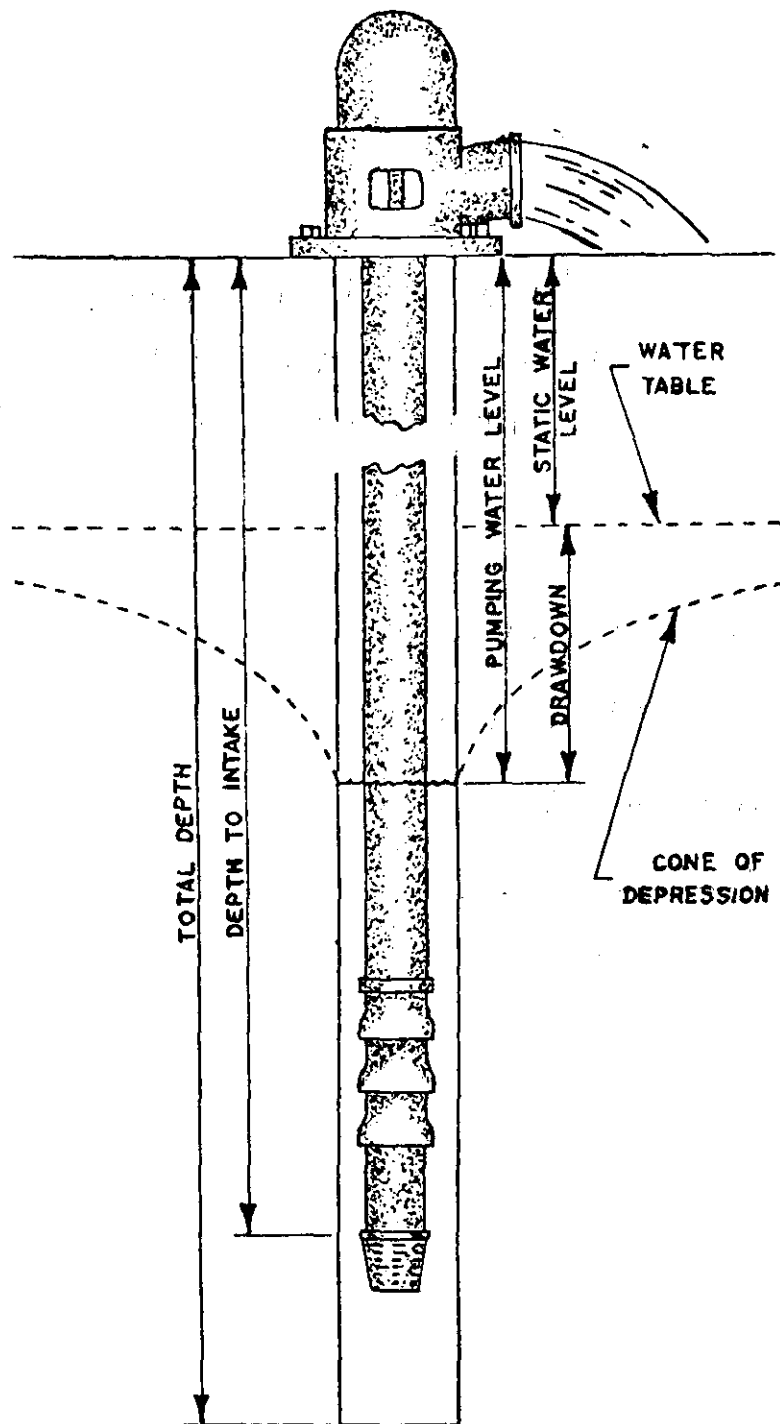
Static Water Level Prior to Test \_\_\_\_\_

Length of Test \_\_\_\_\_ Hours

Sustained yield (Metered) \_\_\_\_\_ GPM

Pumping Water Level \_\_\_\_\_

Remarks \_\_\_\_\_



## CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature Michael P. Pearson License No. 1017

State of Colorado, County of Prowers SS

Subscribed and sworn to before me this 3 day of January, 1986.

My Commission expires: February 4, 1988.

Notary Public Lorraine J. Pearson

FORM TO BE MADE OUT IN QUADRUPPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

RECEIVED

# PERMIT APPLICATION FORM

SEP 25 1985

Application must be complete where applicable. Type or print in BLACK INK. No overstrikes or erasures unless initiated.

FOR: ☐ A PERMIT TO USE GROUND WATER  
☒ A PERMIT TO CONSTRUCT A WELL  
☒ A PERMIT TO INSTALL A PUMP

RESOURCES  
ENGINEER  
2010

( ) REPLACEMENT FOR NO. \_\_\_\_\_  
( ) OTHER \_\_\_\_\_  
WATER COURT CASE NO. \_\_\_\_\_

(1) APPLICANT - mailing address

NAME Charles B Dunnery  
STREET 9800 E Hwy 50  
CITY Lamar Co 81052  
(State) (Zip)  
TELEPHONE NO. 336-4194

## (2) LOCATION OF PROPOSED WELL

County Prowers  
NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 33  
Twp. 22 S, Rng. 46 W, 6 P.M.  
(N. S.) (E. W.)

### (3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15

Average annual amount of ground water  
to be appropriated (acre-feet): 1 - 1/2

Number of acres to be irrigated: 0

Proposed total depth (feet): 150

Aquifer ground water is to be obtained from:  
Dakota

Owner's well designation

**GROUND WATER TO BE USED FOR:**

( ) HOUSEHOLD USE ONLY - no irrigation (0)  
 (X) DOMESTIC (1) ( ) INDUSTRIAL (5)  
 ( ) LIVESTOCK (2) ( ) IRRIGATION (6)  
 ( ) COMMERCIAL (4) ( ) MUNICIPAL (8)  
 ( ) OTHER (9)

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Michael R Pearson  
Street S Forest  
City Lamar Co 81052  
(State) (Zip)  
Telephone No. 336-4140 Lic. No. 1017

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 59536

Basin \_\_\_\_\_ Dist. \_\_\_\_\_

### CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

1) APPROVED PURSUANT TO C.R.S. 37-92-604  
(3) (c) FOR THE RELOCATION OF EXISTING WELL

PERMIT NO. 142342 . THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE RULES AND REGULATIONS FOR WATER WELL AND PUMP INSTALLATION CONTRACTORS WITHIN NINETY (90) DAYS OF COMPLETION OF THE NEW WELL. THE ENCLOSED AFFIDAVIT FORM MUST BE COMPLETED AND SUBMITTED AFFIRMING THAT THE OLD WELL WAS PLUGGED AND ABANDONED.

2) THE USE OF GROUNDWATER FROM THIS WELL IS LIMITED TO FIRE PROTECTION, ORDINARY HOUSEHOLD PURPOSES INSIDE A SINGLE FAMILY DWELLING, AND THE WATERING OF DOMESTIC ANIMALS AND POULTRY,

3) THE PRODUCTION FROM THIS WELL IS LIMITED TO THE DAKOTA AQUIFER ONLY. PLAIN (NON-PERFORATED) CASING MUST BE INSTALLED AND PROPERLY SEALED TO PREVENT APPROPRIATION FROM OTHER ZONES. 11-18-85

**APPLICATION APPROVED**

PERMIT NUMBER 142342-A

DATE ISSUED DEC 18 1985

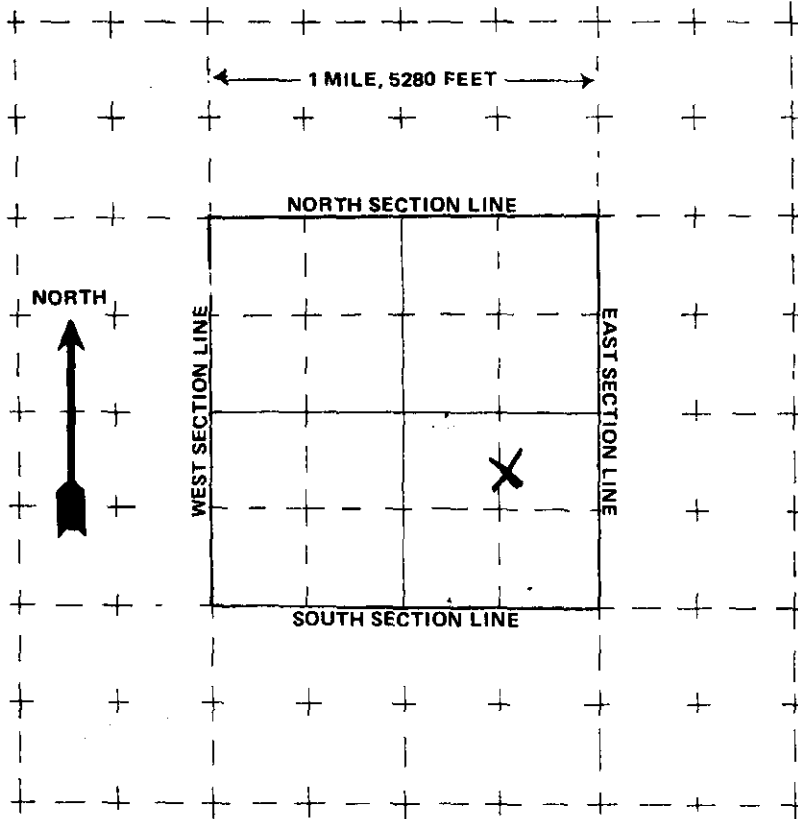
EXPIRATION DATE **DEC 18 1987**

Robert G. Longenbaugh  
(STATE ENGINEER)

BY Steve Lautenschlager

I.D. 2-67 COUNTY 50

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the **CENTER SECTION** (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile  
Each small square represents 40 acres.

**WATER EQUIVALENTS TABLE (Rounded Figures)**

An acre-foot covers 1 acre of land 1 foot deep  
1 cubic foot per second (cfs) ... 449 gallons per minute (gpm)  
A family of 5 will require approximately 1 acre-foot of water per year.  
1 acre-foot ... 43,560 cubic feet ... 325,900 gallons.  
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

1767 ft. from South sec. line  
(north or south)

1300 ft. from East sec. line  
(east or west)

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ FILING # \_\_\_\_\_

SUBDIVISION \_\_\_\_\_

(7) **TRACT ON WHICH WELL WILL BE LOCATED**

Owner: Charles B. Nunnery

No. of acres 1 Will this be

the only well on this tract? yes

(8) **PROPOSED CASING PROGRAM**

Plain Casing

5 in. from 0 ft. to 100 ft.

\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Perforated casing

5 in. from 100 ft. to 150 ft.

\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

will plug according to  
Regs

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): Charles B. Nunnery No. of acres: 1

Legal description: sec 33, 22, 46, NE 1/4, SE 1/4

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Domestic use will dispose of with leach line

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right

Used for (purpose)

Description of land on which used

None

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

X Charles B. Nunnery  
SIGNATURE OF APPLICANT(S)

FORM NO. BWS-32 10/94	<b>PUMP INSTALLATION AND TEST REPORT</b> STATE OF COLORADO, OFFICE OF THE STATE ENGINEER	For Office Use only  <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;">           RECEIVED  <b>FEB 04 1998</b>  <small>WATER RESOURCES STATE ENGINEER COLO.</small> </div>
1.	<b>WELL PERMIT NUMBER</b> <u>206969</u>	
2.	<b>OWNER NAME(S)</b> <u>Glenda L. Dummer</u> <b>Mailing Address</b> <u>9810 US Hwy 50</u> <b>City, St. Zip</b> <u>Lamar, CO 81052</u> <b>Phone</b> <u>(719) 336-3356</u>	
3.	<b>WELL LOCATION AS DRILLED:</b> <u>SE 1/4 SE 1/4, Sec. 33 Twp. 22 S, Range 46 W</u> <b>DISTANCES FROM SEC. LINES:</b> <u>1300</u> ft. from <u>S</u> Sec. line. and <u>1240</u> ft. from <u>E</u> Sec. line. <small>(north or south) (east or west)</small> <b>SUBDIVISION:</b> _____ <b>LOT</b> _____ <b>BLOCK</b> _____ <b>FILING(UNIT)</b> _____ <b>STREET ADDRESS AT WELL LOCATION:</b> _____	
4.	<b>PUMP DATA:</b> Type <u>Submersible</u> Installation Completed <u>11.10.97</u> Pump Manufacturer <u>Red Jacket</u> Pump Model No. <u>07RJB15</u> Design GPM <u>15</u> at RPM _____, HP <u>3/4</u> , Volts <u>230</u> , Full Load Amps _____ Pump Intake Depth <u>200</u> Feet, Drop/Column Pipe Size <u>1 1/4</u> Inches, Kind <u>PVC</u>  <b>ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM:</b> TURBINE DRIVER TYPE: <input type="checkbox"/> Electric <input type="checkbox"/> Engine <input type="checkbox"/> Other _____ Design Head _____ feet, Number of Stages _____, Shaft size _____ inches.	
5.	<b>OTHER EQUIPMENT:</b> Airline Installed <input type="checkbox"/> Yes <input type="checkbox"/> No, Orifice Depth ft. _____, Monitor Tube Installed <input type="checkbox"/> Yes <input type="checkbox"/> No, Depth ft. _____ Flow Meter Mfg. _____ Meter Serial No. _____ Meter Readout <input type="checkbox"/> Gallons, <input type="checkbox"/> Thousand Gallons, <input type="checkbox"/> Acre feet, <input type="checkbox"/> Beginning Reading _____	
6.	<b>TEST DATA:</b> <input type="checkbox"/> Check box if Test data is submitted on Supplemental Form. Date <u>11.10.97</u> Total Well Depth <u>270</u> Time _____ Static Level <u>140</u> Rate (GPM) <u>15</u> Date Measured <u>11.10.97</u> Pumping Lvl. <u>200</u>	
7.	<b>DISINFECTION:</b> Type <u>Chlorine Tablets</u> Amt. Used <u>100 ppm</u>	
8.	Water Quality analysis available. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9.	<b>Remarks</b> <u>Permanent pump installed to Test Pump ONLY</u> <u>Well not put to beneficial use as of this date -</u> <u>1.5.98. Will be plumbed in within 10 days.</u>	
10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]		
<b>CONTRACTOR</b> <u>Michael R Pearson</u> Phone <u>(719) 336-4140</u> Lic. No. <u>144</u> <b>Mailing Address</b> <u>PO Box 1658</u> <u>Lamar, CO 81052</u>		
<b>Name/Title (Please type or print)</b> <u>Michael R Pearson, owner</u>	<b>Signature</b> <u>Michael R Pearson</u>	<b>Date</b> <u>1.5.98</u>



## INSTRUCTIONS FOR PUMP INSTALLATION REPORT

The report must be typed or printed in **BLACK INK**. All changes on the form must be initialed and dated. Attach additional sheets if more space is required. Each additional sheet must be identified at the top by the well owner's name, the permit number, form name/number and a sequential page number. Report depths in feet below ground surface.

This form may be reproduced by photocopy methods, or by computer generation with prior approval by the State Engineer. Photocopy reproductions must retain margins and print quality of the original form.

The original form must be submitted to the State Engineer's Office within 60 days after completing the well or 7 days after the permit expiration date, whichever is earlier.

A copy of the form must be provided to the well owner.

If this form is submitted in conjunction with the Well Completion and Test Report, form number GWS-31, **ONLY THE PERMIT NUMBER AND OWNER NAME NEED TO BE COMPLETED** in items 1 and 2.

1. Complete the Permit Number in full.
2. Fill in **Name and Mailing Address of Well Owner** where correspondence should be sent.
3. Complete the blocks for the **actual** location of the well. For wells located in subdivisions the lot, block and subdivision information must also be provided.
4. Indicate the type of pump installed and complete the requested information. When installing pumps greater than 50 gpm, complete the additional information in this area.
5. Provide the information on other equipment which may be installed in the well.
6. Report test data as required by Rule 13.9. Spaces are provided to report all measurements made during the test. The report should show that the test complied with the provisions of the rules. If a test was not performed explain when it will be done. If available, report clock time when measurements were taken.
7. Record the type and the amount of disinfection used, how placed and the length of time left in the hole.
8. Indicate if a water quality analysis was performed and submit a copy of the report if available.
9. Use the remarks area to note any additional information including additional equipment installed, water supply construction problems.
10. Fill in **Company Name and Address of Contractor** who installed pumping equipment. The report must be signed by the licensed contractor responsible for the installation of pumping equipment.

**WELL CONSTRUCTION AND TEST REPORT**  
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only **RECEIVED**  
**FEB 04 1998**

WATER RESOURCES  
STATE ENGINEER  
COLO.

1. WELL PERMIT NUMBER 206969 HH-32090

2. OWNER NAME(S) Glenda Munnerly  
Mailing Address 9810 US Hwy 50  
City, St. Zip Lamar CO 81052  
Phone (719) 336-5356

3. WELL LOCATION AS DRILLED: SE 1/4 SE 1/4, Sec. 33 Twp. 22 S, Range 41 W  
DISTANCES FROM SEC. LINES:  
1300 ft. from S Sec. line. and 1240 ft. from E Sec. line. OR  
(north or south) (east or west)  
SUBDIVISION: LOT BLOCK FILING(UNIT)  
STREET ADDRESS AT WELL LOCATION:

4. GROUND SURFACE ELEVATION \_\_\_\_\_ ft. DRILLING METHOD Rotary  
DATE COMPLETED 11.10.97 TOTAL DEPTH 270 ft. DEPTH COMPLETED 20 ft.

5. GEOLOGIC LOG:  
Depth Description of Material (Type, Size, Color, Water Location)

0 6 Top Soil  
6 35 Sand, Rock  
35 140 Shale  
140 181 Sandstone + Shale  
181 230 Sandstone  
230 265 Sandstone + Shale  
265 270 Shale

REMARKS:

6. HOLE DIAM. (in.) From (ft) To (ft)  
12 1/4 0 41  
6 1/2 41 270

7. PLAIN CASING  
OD (in) Kind Wall Size From (ft) To (ft)  
8 Steel .250 +1 41  
4 PVC .250 +1 230  
PERF. CASING: Screen Slot Size: 50,000  
4 PVC .250 230 270

8. FILTER PACK:  
Material Gravel  
Size 1/4" washed  
Interval 220-270

9. PACKER PLACEMENT:  
Type /  
Depth /

10. GROUTING RECORD:  
Material Amount Density Interval Placement  
NC legal 94lbs 5-41 pd  
" " " 180-220 "

11. DISINFECTION: Type Chlorine Tablets Amt. Used 100 ppm

12. WELL TEST DATA: ☐ Check box if Test Data is submitted on Form No. GWS 39 Supplemental Well Test.  
TESTING METHOD Bailer  
Static Level 140 ft. Date/Time measured 11.10.97 Production Rate 45 gpm.  
Pumping level 200 ft. Date/Time measured 11.10.97 Test length (hrs.) 3  
Remarks

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR Michael R Pearson Phone (719) 336-4140 Lic. No. 144  
Mailing Address PO Box 1058 Lamar, CO 81052  
Name/Title (Please type or print) Michael R Pearson Signature Michael R Pearson Date 1.5.98

OFFICE OF THE STATE ENGINEER  
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

144

WELL PERMIT NUMBER **206969**  
DIV. 2 CNTY. 50 WD. 67 DES. BASIN MD

APPLICANT

SUBDIV:  
LOT: BLK: FLG:

LOT SIZE: 1 ACRES

GLEND A NUNNERY  
9810 US HWY 50  
LAMAR CO 81052

(719) 336-5356

APPROVED WELL LOCATION

PROWERS COUNTY

SE 1/4 SE 1/4 SECTION 33

TWP 22 S RANGE 46 W 6th P.M

DISTANCES FROM SECTION LINES

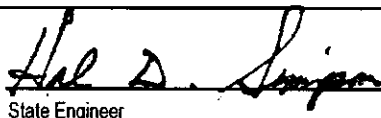
1300 Ft. from South Section Line

1240 Ft. from East Section Line

**PERMIT TO CONSTRUCT A WELL**

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT  
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT A.
- 4) The use of ground water from this well is limited to ordinary household purposes inside a single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through a non-evaporative waste water disposal system where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

  
State Engineer

  
By

Receipt No. 0422925

DATE ISSUED DEC 10 1997

EXPIRATION DATE DEC 10 1999

COLORADO DIVISION OF WATER RESOURCES  
DEPARTMENT OF NATURAL RESOURCES  
1313 SHERMAN ST., RM. 818, DENVER CO 80203  
phone - info: (303) 866-3587 main: (303) 866-3581

## NEW HOUSEHOLD USE ONLY

Review instructions prior to completing form

RECEIVED

OCT 23 1997

WATER RESOURCES  
STATE ENGINEER

## Water Well Permit Application

Must be completed in black ink or typed

<b>1. APPLICANT INFORMATION</b>				<b>6. USE OF WELL</b>	
Name of applicant <u>Glenda Munneer</u>				<b>ORDINARY HOUSEHOLD PURPOSES INSIDE ONE SINGLE FAMILY DWELLING (NO OUTSIDE USE)</b>	
Mailing Address <u>9810 US Hwy 50</u>					
City <u>Lamar</u> State <u>CO</u> Zip code <u>81052</u>					
Telephone Number (include area code) <u>719-336-5356</u>				<b>7. WELL DATA</b>	
<b>2. TYPE OF APPLICATION</b>				<b>MAXIMUM PRODUCTION RATE OF THE WELL WILL NOT EXCEED 15 GPM</b>	
<b>CONSTRUCT A NEW HOUSEHOLD USE ONLY WELL ON LESS THAN 35 ACRES</b>				<b>8. TYPE OF RESIDENTIAL SEWAGE SYSTEM</b>	
<b>3. REFER TO (if applicable):</b>				<input checked="" type="checkbox"/> Septic tank / absorption leach field	
Monitoring hole acknowledgment # <u>MH-</u>				<input type="checkbox"/> Central system	
<b>4. LOCATION OF WELL</b>				District name: _____	
County <u>Prowers</u> Quarter/quarter <u>SE 1/4</u> Quarter <u>SE 1/4</u>				<input type="checkbox"/> Vault	
Section <u>33</u> Township N or S <u>22</u> Range E or W <u>46</u> Principal Meridian <u>6</u>				Location sewage to be hauled to: _____	
Distance of well from section lines <u>1300</u> ft. from <input type="checkbox"/> N <input checked="" type="checkbox"/> S <u>1240</u> ft. from <input checked="" type="checkbox"/> E <input type="checkbox"/> W				<input type="checkbox"/> Other (attach copy of engineering design)	
Well location address, if different from applicant address (if applicable)				<b>9. PROPOSED WELL DRILLER (optional)</b>	
<b>5. TRACT ON WHICH WELL WILL BE LOCATED</b>				Name <u>Michael R. Pearson</u> License number <u>144</u>	
A. You must check one of the following - see instructions				<b>10. SIGNATURE of applicant(s) or authorized agent</b>	
<input type="checkbox"/> Subdivision: Name _____				The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.	
Lot # _____ Block # _____ Filing/Unit# _____				Must be original signature <u>Glenda Munneer</u>	
<input type="checkbox"/> County Exemption (copy of county approval & survey must be attached)				Title _____ Date <u>10.21.97</u>	
Exempt. name/# _____ Tract # _____				Office Use Only <u>w/c</u>	
<input type="checkbox"/> Mining claim (attach copy of deed or survey)				DWR Map No. _____	
Claim name/# _____				<b>DIV 2</b>	
<input checked="" type="checkbox"/> Other (attach legal description to application)				<b>CO 50</b>	
<b>B. STATE PARCEL</b>				<b>WD 67</b>	
ID# (optional): _____				<b>BA _____</b>	
<b>C. # of acres in tract</b> <u>1</u>				<b>USE _____ MD _____</b>	
<b>D. THIS WILL BE THE ONLY WELL ON THIS TRACT</b>				<b>Form GWS-49 (12/95)</b>	

CHECKS TR#422925 102397  
DIV OF WATER RESOURCES

DIV 2

CO 50

WD 67

BA \_\_\_\_\_

USE \_\_\_\_\_ MD \_\_\_\_\_



## HOUSEHOLD USE ONLY - GENERAL INSTRUCTIONS

There are a variety of uses for ground water in Colorado. This form (GWS-49) is to be used when applying for a permit for a NEW well that would be USED FOR ORDINARY HOUSEHOLD USE IN ONE SINGLE-FAMILY DWELLING. This type of well CANNOT be used for outside uses such as the watering of domestic animals and the watering of home gardens and lawns.

This form should not be used in the following cases:

REPLACEMENT of an existing well - Use form GWS-44  
If OUTSIDE use is proposed - Use form GWS-44

**FEES** The application must be submitted with the required \$60 non-refundable filing fee.  
~~Checks should be payable to the COLORADO DIVISION OF WATER RESOURCES.~~

Applications are evaluated in chronological order. Please allow approximately six weeks for processing.

---

APPLICATIONS must be completed clearly, and legibly, in BLACK INK or typed. ALL ITEMS in the application must be completed. Incomplete applications may be returned to the applicant for more information. Do not change or alter this application in any way.

THE LOCATION of the well in item 4 must be correctly and accurately described. The county, quarter/quarter, section, township, range, principal meridian, and distance from section lines must be provided.

NOTE: Distances are not necessarily the same distances as the distances from (your) property lines.

For additional assistance in describing the location of your well review the publication entitled "How to Determine Well Locations" which was provided with your packet, or can be requested from any Colorado Division of Water Resource office.

~~A LEGAL DESCRIPTION of your lot or parcel of land is required in item 5. If your lot is not in a recorded subdivision, attach a copy of a deed or legal description that shows your tract was split from a larger tract prior to June 1, 1972.~~

An ORIGINAL signature must be on each application. The applicant's authorized agent may sign the application, if a letter signed by the applicant is submitted with the application authorizing them to act as agent for the purpose of obtaining a well permit.

IF YOU HAVE ANY QUESTIONS regarding any item on the application form, please call the Division of Water Resources Ground Water Information Desk (303-866-3587), or the nearest Division of Water Resources Field Office located in Greeley (970-352-8712), Pueblo (719-542-3368), Alamosa (719-589-6683), Montrose (970-249-6622), Glenwood Springs (970-945-5665), Steamboat Springs (970-879-0272), or Durango (970-247-1845).

DETAILED INSTRUCTIONS ARE AVAILABLE UPON REQUEST

OCT 23 1997

Best Copy Available

WATER RESOURCES  
STATE ENGINEER  
COLO.

## Local Description

26

A tract of land in the East one half of the Southeast Quarter of Section 33, Township 22 South, Range 46 West of the Sixth Principal Meridian in Browers County, Colorado, and being more particularly described as follows:

Beginning at the East Quarter Corner of said Section 33:

thence South  $89^{\circ}22'00''$  West 1153.55 feet along the East/West Centerline of said Section;

thence South  $02^{\circ}45'23''$  East 835.49 feet to the true point of beginning of the tract of land hereafter described;

thence South  $87^{\circ}14'37''$  West 173.00 feet;

thence South  $02^{\circ}45'23''$  East 251.80 feet;

thence North  $87^{\circ}14'37''$  East 173.00 feet;

thence North  $02^{\circ}45'23''$  West 251.80 feet to the point of beginning.

Said Tract of land contains 1.00 Acres more or less.

*MAILED*

**COLORADO DIVISION OF WATER RESOURCES**

1313 Sherman Street - Room 818  
Denver, Colorado 80203

**RECEIVED**

JAN 30 1989

THIS FORM MUST BE SUBMITTED  
WITHIN 60 DAYS OF COMPLETION  
OF THE WORK DESCRIBED HERE-  
ON. TYPE OR PRINT IN BLACK  
INK.

**WELL COMPLETION AND PUMP INSTALLATION REPORT**

PERMIT NUMBER 151387

WATER RESOURCES  
STATE - ~~INDIANA~~  
~~DATE~~

WELL OWNER Donald Good NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec. 33

ADDRESS 9618 E. Hwy 50 - Box 168, Lamar, CO T. 22 S. R. 46 W. 6 P.M.

DATE COMPLETED August 16, 19 88 HOLE DIAMETER

**WELL LOG**

From	To	Type and Color of Material	Water Loc.
0	40	surface	
40	110	shale	
110	124	dry sandstone	
124	198	shale	
198	271	Dakota sand	
271	280	shale	
TOTAL DEPTH <u>280'</u>			

Use additional pages necessary to complete log.

8  $\frac{5}{8}$  in. from 0 to 40 ft.

7  $\frac{7}{8}$  in. from 40 to 280 ft.

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.

DRILLING METHOD Rotary

CASING RECORD: Plain Casing

Size 7" & kind steel from 0 to 40 ft.

Size 5" & kind PVC from 0 to 240 ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

**Perforated Casing**

Size 5" & kind PVC from 240 to 280 ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size \_\_\_\_\_ & kind \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft.

**GROUTING RECORD**

Material neat cement

Intervals 0 - 200'

Placement Method tremmie pipe

GRAVEL PACK: Size pea

Interval 200 - 280'

**TEST DATA**

Date Tested August 16, 1988

Static Water Level Prior to Test 60 ft.

Type of Test Pump bailer

Length of Test 3 hours

Sustained Yield (Metered) 30 GPM

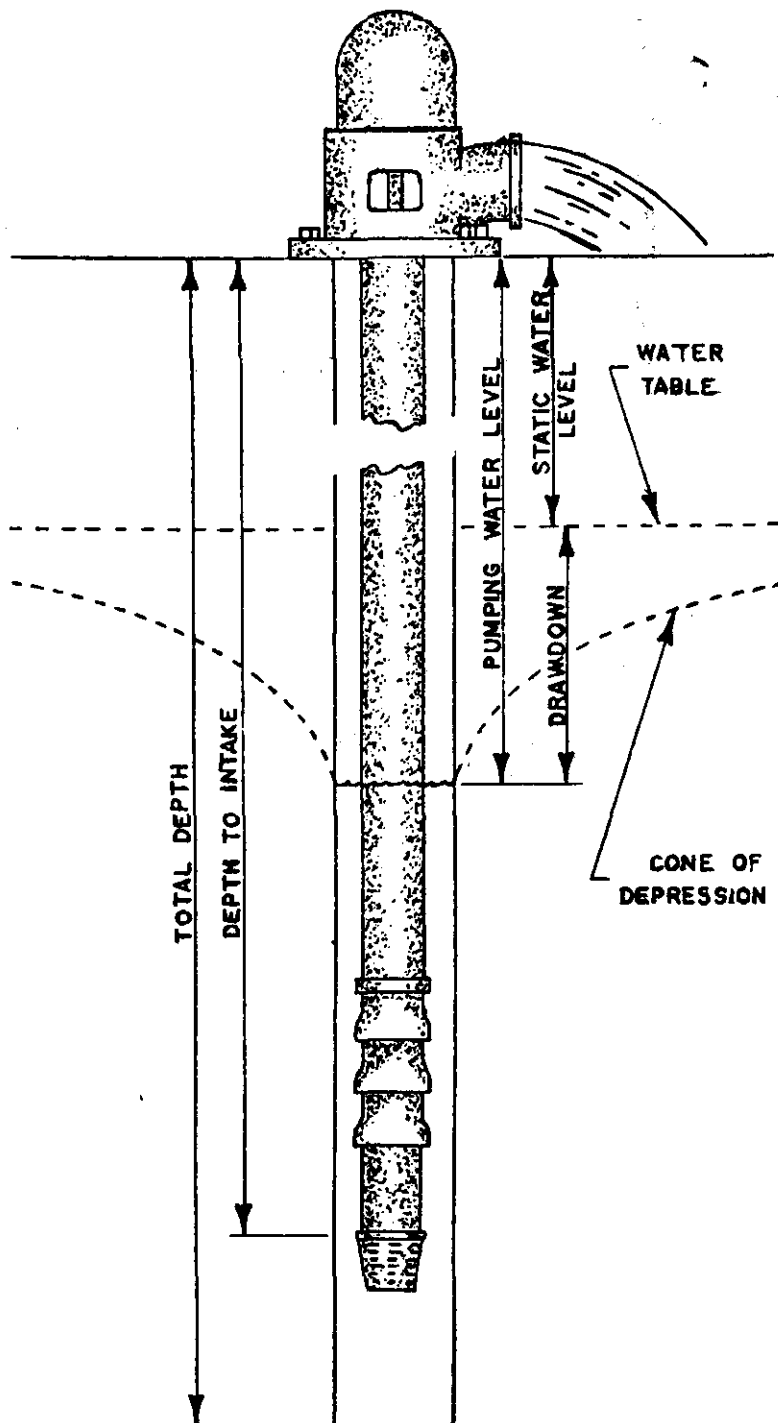
Final Pumping Water Level 250'

# PUMP INSTALLATION REPORT

Pump Make Coult  
Type submersible  
Powered by Franklin HP 1 1/2  
Pump Serial No. 10EJ15412 W051451  
Motor Serial No. F/88  
Date Installed August 18, 1988  
Pump Intake Depth 250'  
Remarks \_\_\_\_\_

## WELL TEST DATA WITH PERMANENT PUMP

Date Tested August 18, 1988  
Static Water Level Prior to Test 100'  
Length of Test 2 Hours  
Sustained yield (Metered) 307 GPM  
Pumping Water Level 250'  
Remarks \_\_\_\_\_



## CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature Michael R. Pearson License No. 144

State of Colorado, County of Prowers SS

Subscribed and sworn to before me this 28th day of December, 19 88.

My Commission expires 2/4/92, 19 92.

Notary Public Gerraine Pearson

FORM TO BE MADE OUT IN QUADRUPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.



**COLORADO DIVISION OF WATER RESOURCES**  
318 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

**RECEIVED****MAY 23 1988**

83P

**PERMIT APPLICATION FORM**

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

**RECEIVED****MAY 06 1988**

- ( ) A PERMIT TO USE GROUND WATER  
( ) A PERMIT TO CONSTRUCT A WELL  
( ) A PERMIT TO INSTALL A PUMP

( ) REPLACEMENT FOR NO. \_\_\_\_\_

( ) OTHER \_\_\_\_\_

WATER COURT CASE NO. \_\_\_\_\_

05-06-88 2:48 P  
032472 60.00  
NWX006 P0011  
FTL 60.00

CHEQUE 60.00

Receipt # 46357

**(1) APPLICANT - mailing address**

NAME Donald Good  
STREET 9618 E. Hwy. 50 - Box 168  
CITY Lamar, CO (State) (Zip) 81052  
TELEPHONE NO. 336-

**(2) LOCATION OF PROPOSED WELL**

County Prowers  
NW 1/4 of the SE 1/4, Section 33  
Twp. 22 S., Rng. 46 W. P.M. 6  
(N.S) (E.W)

**(3) WATER USE AND WELL DATA**

Proposed maximum pumping rate (gpm) 15  
Average annual amount of ground water to be appropriated (acre-feet): 1  
Number of acres to be irrigated: none  
Proposed total depth (feet): 300  
Aquifer ground water is to be obtained from: Dakota  
Owner's well designation \_\_\_\_\_

**GROUND WATER TO BE USED FOR:**

- (X) HOUSEHOLD USE ONLY - no irrigation (0)  
( ) DOMESTIC (1) ( ) INDUSTRIAL (5)  
( ) LIVESTOCK (2) ( ) IRRIGATION (6)  
( ) COMMERCIAL (4) ( ) MUNICIPAL (8)  
( ) OTHER (9) \_\_\_\_\_

DETAIL THE USE ON BACK IN (11)

**(4) DRILLER**

Name Pearson Drilling, Inc.  
Street P.O. Box 1658  
City Lamar, CO (State) (Zip) 81052  
Telephone No. 336-4140 Lic. No. 144

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 87487 CL-1, 8A7487

Basin \_\_\_\_\_ Dist. \_\_\_\_\_

**CONDITIONS OF APPROVAL**

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

**ISSUANCE OF THIS PERMIT DOES NOT CONFER A DECREED WATER RIGHT**

1) APPROVED PURSUANT TO CRS 37-92-602(3)(b)(II) (A) AS THE ONLY WELL ON A RESIDENTIAL SITE OF 0.59 ACRES DESCRIBED AS THAT PORTION OF THE W 1/2 OF THE SE 1/4 OF SECTION 33, T22S, R46W OF THE 6TH P.M., PROWERS COUNTY, BEING MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A".

2) THE USE OF GROUND WATER FROM THIS WELL IS LIMITED TO ORDINARY HOUSEHOLD PURPOSES INSIDE A SINGLE FAMILY DWELLING AND THE WATERING OF THE USER'S NONCOMMERCIAL DOMESTIC ANIMALS. THE GROUND WATER SHALL NOT BE USED FOR IRRIGATION OR OTHER PURPOSES.

3) THE RETURN FLOW FROM THE USE OF THIS WELL MUST BE THRU AN INDIVIDUAL WASTE WATER DISPOSAL SYSTEM OF THE NON-EVAPORATIVE TYPE WHERE THE WATER IS RETURNED TO THE SAME STREAM SYSTEM IN WHICH THE WELL IS LOCATED.

4) PRODUCTION FROM THIS WELL IS LIMITED TO THE DAKOTA AQUIFER. PLAIN (NON-PERFORATED) CASING MUST BE INSTALLED FROM GROUND SURFACE DOWN TO A MINIMUM DEPTH OF 250 FEET AND PROPERLY SEALED TO PREVENT DIVERSION OF WATER ABOVE THIS DEPTH. THE DEPTH OF THE WELL SHALL NOT EXCEED 330 FEET OR THE BASE OF THE KIOWA SHALE, WHICHEVER COMES FIRST. mgw6-9-88

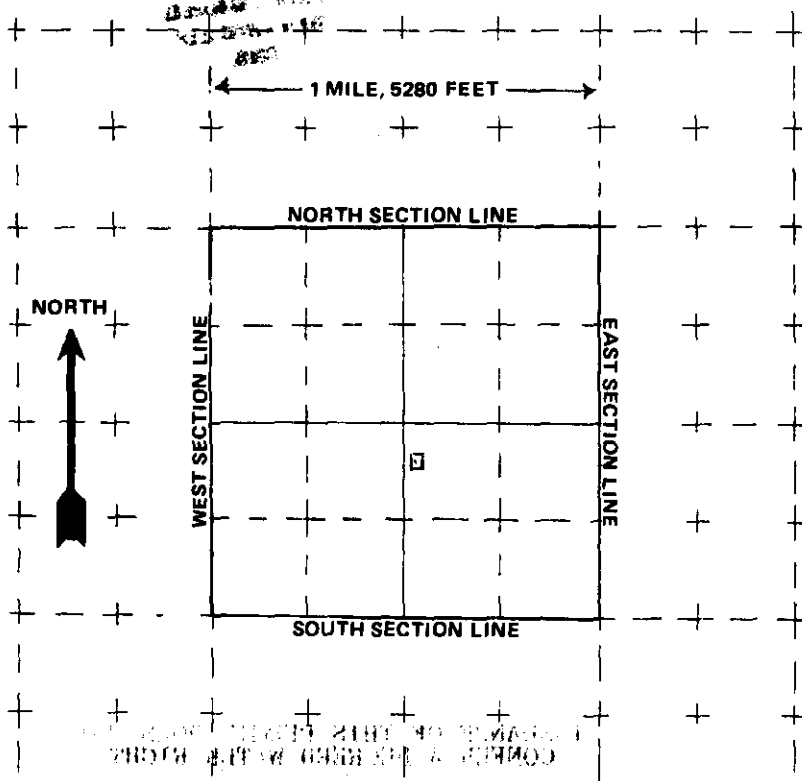
**APPLICATION APPROVED**PERMIT NUMBER 151387DATE ISSUED JUN 13 1988EXPIRATION DATE JUN 12 1990

John A. Danielson  
(STATE ENGINEER)

BY GrahamI.D. 2-67 COUNTY 50

RECEIVED

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



(6) THE WELL MUST BE LOCATED BELOW by distances from section lines:

1980 ft. from South sec. line  
2280 ft. from East sec. line

LOT - BLOCK - FILING # -

SUBDIVISION -

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: Donald Good

No. of acres .59 Will this be the only well on this tract? yes

(8) PROPOSED CASING PROGRAM

Plain Casing  
5 in. from 0 ft. to 250 ft.

Perforated casing  
5 in. from 250 ft. to 300 ft.

5 in. from 300 ft. to 300 ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

no old well

The scale of the diagram is 2 inches = 1 mile

Each small square represents 40 acres

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep  
1 cubic foot per second (cfs) .449 gallons per minute (gpm)  
A family of 5 will require approximately 11 acre-foot of water per year.  
1 acre-foot 1143,560 cubic feet 1,782,500 gallons  
1,000 gpm pumped continuously from the day produces 4.42 acre-feet.

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): Donald Good No. of acres: .59

Legal description: NW 1/4, SE 1/4, 33, 22S, 46W, 6pm

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Household use - will dispose of with a leach line

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
none		

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

SIGNATURE OF APPLICANT(S): Donald L. Good

**2020 RECEIVED**

THE GRANTOR'S PERFORMANCE OF THE PROPERTY FROM THE GRANTOR'S OR GRANTOR'S ASSOCIATED BUSINESS OR PERSONS IS GRANTED.

THE GRANTOR hereby sells and conveys to the GRANTEE the real property described below, with all its appurtenances, and the GRANTOR warrants the title to the property, except for any particular matters described below under "Additional Warranty Exceptions" and except for the lien of the general property taxes for the year of this Deed, and except for any of the following matters evidenced or established by recorded document: easements, rights-of-way, mineral reservations or grants, mineral leases, and protective covenants and restrictions.

If the Grantor intends this Deed to convey less than his entire interest in the Property or if the Grantor intends to impose restrictions on the Grantee's use of the Property, then appropriate language has been added below under "Reservations And/Or Restrictions".

If there are two or more Grantees named in this Deed, they are accepting this conveyance as tenants in common, unless the words "joint tenancy with right of survivorship" or "joint tenancy" have been added below under "Form of Co-ownership."

The Grantor acknowledges that there is good and/or valuable consideration for this Deed, and that the consideration is adequate; the indication of a dollar amount below under "Consideration" does not necessarily mean that the stated amount is the only consideration for this Deed, and the absence of a stated amount under "Consideration" is not intended to indicate that there is no consideration for this Deed.

**The following information completes this Deed:**

**GRANTOR: (Give Name(s), Address(es), and Marital Status)**

Charles Nunnery and Shirlene Nunnery  
Route 2, Box 37  
Lamar, Colorado 81052

**GRANTEE: (Give Name(s), Address(es))**

David G. King and Debora A. King  
Route 2, Box 17  
Lamar, Colorado 81052

**FORM OF CO-OWNERSHIP:**

## Joint tenancy

PROPERTY DESCRIPTION: A tract of land in the West half (W $\frac{1}{2}$ ) Southeast Quarter (SE $\frac{1}{4}$ ) in Section Thirty-three (33), Township Twenty-two (22) South, Range Forty-six (46) West of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the South line of that certain tract of land deeded to the Board of County Commissioners by Deed recorded in Book 266, Page 180, Prowers County, Colorado records, which said point is 671 feet westerly from the Southeast corner of said tract; thence Westerly along the South right of way line of said tract a distance of 160 feet to a point; thence Southerly along a line parallel to the east line of said W $\frac{1}{2}$ SE $\frac{1}{4}$  a distance of 160 feet to a point; thence Easterly along a line parallel to the South line of said tract a distance of 160 feet to a point; thence Northerly along a line parallel to the east line of said W $\frac{1}{2}$ SE $\frac{1}{4}$  a distance of 160 feet to the point of beginning.

PROPERTY ADDRESS: Route 2, Lamar, Colorado 81052

**CONSIDERATION:** Ten dollars and other valuable consideration

RESERVATIONS AND/OR RESTRICTIONS: (If none, leave blank) Existing easements and rights of way, exiguencies of special districts, and taxes for the year 1977 which grantees assume and agree to pay.

**ADDITIONAL WARRANTY EXCEPTIONS:** (If none, leave blank)

Signed on December 14, 1977

Charles Nunnery

STATE OF COLORADO )  
COUNTY OF PROWERS ) SS.

The foregoing instrument was acknowledged before me this 14th day of May, 1990, by Charles Nunnery and Shirlene Nunnery

December 1977

My commission expires July 21, 1980

Notary Public

STATE OF )  
COUNTY OF ) ss

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

WITNESS my hand and official seal.  
My commission expires:

**Notary Public**

EXHIBIT A 19 # 87487

RECEIVED  
MAY 06 1988  
WATER RESOURCES  
STATE ENGINEERS  
DIV.

RECEIVED  
MAY 16 1988  
WATER RESOURCES  
STATE ENGINEERS  
DIV.

RECEIVED

MAY 16 1988

WATER RESOURCES

STATE ENGINEERS

DIV.



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MAY 1 6 1988

WATER RESOURCES  
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MAY 06 1987

WATER RESOURCES  
STATE - ENGINEER  
COLG.

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MAR 27 1987

WATER RESOURCES  
STATE - ENGINEER  
COLG.

COMPILED BY  
THE GUARANTY ABSTRACT COMPANY  
LAMAR, COLORADO

ABSTRACT NO. 777-1

ENTRY NO. 1

ABSTRACT OF TITLE  
TO

A tract of land in the West half ( $W\frac{1}{2}$ ) Southeast ( $SE\frac{1}{4}$ ) in Section Thirty-three (33), Township Twenty-two (22) South, Range Forty-six (46) West of the Sixth (6th) Principal Meridian, more particularly described as follows:

Beginning at a point on the South line of that certain tract of land deeded to the Board of County Commissioners by Deed recorded in Book 266, page 180, Prowers County, Colorado records, which said point is 671 feet westerly from the Southeast corner of said tract;

thence Westerly along the South right of way line of said tract a distance of 160 feet to a point;

thence Southerly along a line parallel to the east line of said  $W\frac{1}{2}SE\frac{1}{4}$  a distance of 160 feet to a point;

thence Easterly along a line parallel to the South line of said tract a distance of 160 feet to a point;

thence Northerly along a line parallel to the east line of said  $W\frac{1}{2}SE\frac{1}{4}$  a distance of 160 feet to the point of beginning.

-0-

PAGE 1B

Glen:

This is up for grabs!

There is a buried E-W fault in well vicinity. On basis of Nunavut well (142342) to east 1000 ft, King well appears to be on North (downside) of fault and:

Undrift Alluvium	
Greenham/Grover	0 - 200
Dakota	200 - 330 ±
Kiowa Shale	330 - 405 ±
Cheyenne	405 - 480 ±

South of fault (up side)

Dakota	0 - 130 ±
Kiowa Sh.	130 - 210 ±
Cheyenne Ss	210 - 285-295

DWF

5/8/87

15381

# LAND USE ADMINISTRATION

PROWERS COUNTY

PHONE 719-336-9769

LAMAR, COLORADO 81052

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MAY 06 1988

WATER RESOURCES  
DIVISION  
DENVER

April 28, 1988

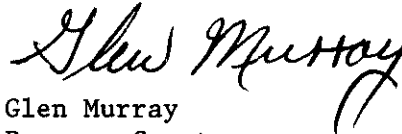
Division of Water Resources  
1313 Sherman St. Room 818  
Denver, CO 80203

TO WHOM IT MAY CONCERN:

The Pearson Drilling Company has requested the Prowers County Land Use Administration Office to send you information in regard to a water well they would like to drill for Mr. Don Good located in the Northwest Quarter, Southeast Quarter of Section 33, Township 22 South, Range 46 West (NW $\frac{1}{4}$ SE $\frac{1}{4}$  33-22-46) consisting of .59 acre. This acreage was subdivided in March of 1968 so therefore does not require a subdivision exemption from the provisions of Senate Bill 35.

If you desire any additional information, please feel free to contact our office.

Sincerely,



Glen Murray  
Prowers County  
Land Use Administrator

GM/rb

ROY ROMER  
Governor



JERIS A. DANIELSON  
State Engineer

**OFFICE OF THE STATE ENGINEER**  
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818  
Denver, Colorado 80203  
(303) 866-3581

To: Donald Good  
Receipt No.: 87487

From: Melanie Wood  
Date: May 16, 1988

Your application for a permit to construct a well is being returned for the reasons listed below.

The information and/or documentation requested is required before we can proceed further with the evaluation of your application.

All corrections you make to the application must be typed or printed in BLACK INK. Please initial and date all changes.

Feel free to contact this office if you have any questions.

\*\*\*\*\*

Please submit a legal description (from your deed) or surveyor's plat describing the 0.59 acres that you own.

*Withdrawn application for Debra King filed in CE*



Melanie -

This application  
is a part of the  
Debbie King permit  
application. All the  
necessary informa-  
tion should be there  
when you put the

Form No.  
GWS-25

**OFFICE OF THE STATE ENGINEER**  
**COLORADO DIVISION OF WATER RESOURCES**  
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

LR

**WELL PERMIT NUMBER** 233713  
DIV. 2      WD 67      DES. BASIN      MD

APPLICANT

CHARLES NUNNERY  
9820 HWY 50  
LAMAR, CO 81052-

(719) 336-2250

APPROVED WELL LOCATION

PROWERS COUNTY  
NW 1/4 SW 1/4 Section 33  
Township 22 S Range 46 W Sixth P.M.

DISTANCES FROM SECTION LINES

2100 Ft. from South      Section Line  
720 Ft. from West      Section Line

UTM COORDINATES

Northing:      Easting:

**REGISTRATION OF EXISTING WELL**

**ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT**

**CONDITIONS OF APPROVAL**

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) This well is recorded and permit approved in accordance with CRS 37-92-602(5) for historic use as indicated herein and described in CRS 37-92-602(1)(e), being a well producing 50 GPM and used for ordinary household purposes inside three single family dwelling(s), fire protection, and the irrigation of not more than 2,000 square feet of home gardens and lawns.
- 4) The date of first beneficial use, as claimed by the applicant, is 1910.

NOTICE: This permit has been approved subject to the following changes: the uses of water from this well were changed to be consistent with those uses specified on the field inspection report dated May 10, 2001. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

MPS  
05/24/2001

APPROVED  
MPS

State Engineer

DATE ISSUED **MAY 25 2001**

By *Michael P. Schuch*  
EXPIRATION DATE *N/A*

Receipt No. 0476557A

Form No.  
GWS-25

**OFFICE OF THE STATE ENGINEER**  
**COLORADO DIVISION OF WATER RESOURCES**  
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203  
(303) 866-3581

LIC

WELL PERMIT NUMBER

233713 - A

DIV. 2

WD 67

DES. BASIN

MD

APPLICANT

CHARLES NUNNERY  
9820 HWY 50  
LAMAR, CO 81052-

APPROVED WELL LOCATION

PROWERS COUNTY

NW 1/4 SW 1/4 Section 33

Township 22 S Range 46 W Sixth P.M.

DISTANCES FROM SECTION LINES

2100 Ft. from South Section Line

700 Ft. from West Section Line

UTM COORDINATES

Northing:

Easting:

(719) 336-2250

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(c) for the relocation of an existing well, permit no. 233713. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules within ninety (90) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was plugged.
- 4) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three single family dwelling(s), the irrigation of not more than 2,000 square feet of home gardens and lawns.
- 5) Production from this well is restricted to the Dakota aquifer, which corresponds to the interval between 160 feet and 350 feet below the ground surface. Plain casing shall be installed and grouted to prevent production from other zones.
- 6) The maximum pumping rate of this well shall not exceed 50 GPM.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTICE: This permit has been approved subject to the following changes: the uses of water from this well were changed to be consistent with those uses specified on the field inspection report dated May 10, 2001. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

MPS  
05/24/2001

APPROVED  
MPS

State Engineer

DATE ISSUED

May 25 2001

By

EXPIRATION DATE

May 25 2003

Receipt No. 0476557B

FORM NO.  
GWS-32  
10/94

**PUMP INSTALLATION AND TEST REPORT**  
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only

04765578

RECEIVED

JUL 20 2001

WATER RESOURCES  
STATE ENGINEER  
COLORADO

1. WELL PERMIT NUMBER 233713-A

2. OWNER NAME(S) Charles Dunnyer  
Mailing Address 9820 Hwy 50  
City, St. Zip Lamar, CO 81052  
Phone (719) 336-2250

3. WELL LOCATION AS DRILLED: NW 1/4 SW 1/4, Sec. 33 Twp. 22 S, Range 46 W  
DISTANCES FROM SEC. LINES:  
2100 ft. from South Sec. line. and 700 ft. from West Sec. line.  
(north or south) (east or west)  
SUBDIVISION: \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ FILING(UNIT) \_\_\_\_\_  
STREET ADDRESS AT WELL LOCATION: \_\_\_\_\_

4. PUMP DATA: Type Submersible Installation Completed 6-29-01  
Pump Manufacturer Sta-Rite Pump Model No. 10P4F02H  
Design GPM 10 at RPM \_\_\_\_\_, HP 1.5, Volts 230, Full Load Amps \_\_\_\_\_  
Pump Intake Depth 320 Feet, Drop/Column Pipe Size 1.25 Inches, Kind PVC

ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM:

TURBINE DRIVER TYPE: ☐ Electric ☐ Engine ☐ Other \_\_\_\_\_  
Design Head \_\_\_\_\_ feet, Number of Stages \_\_\_\_\_, Shaft size \_\_\_\_\_ inches.

5. OTHER EQUIPMENT:

Airline Installed ☐ Yes ☒ No, Orifice Depth ft. \_\_\_\_\_ Monitor Tube Installed ☐ Yes ☒ No, Depth ft. \_\_\_\_\_  
Flow Meter Mfg. \_\_\_\_\_ Meter Serial No. \_\_\_\_\_  
Meter Readout ☐ Gallons, ☐ Thousand Gallons, ☐ Acre feet, ☐ Beginning Reading \_\_\_\_\_

6. TEST DATA: ☐ Check box if Test data is submitted on Supplemental Form.  
Date 6-29-01  
Total Well Depth 340 Time \_\_\_\_\_  
Static Level 240 Rate (GPM) 10  
Date Measured 6-29-01 Pumping Lvl. 320

7. DISINFECTION: Type Chlorine tablets Amt. Used 100 ppm

8. Water Quality analysis available. ☐ Yes ☒ No

9. Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge.  
[Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR Michael R. Pearson Phone (719) 336-4140 Lic. No. 144  
Mailing Address PO Box 1658, Lamar, CO 81052

Name/Title (Please type or print) Michael R Pearson, owner Signature Michael R Pearson Date 7-17-01



COLORADO DIVISION OF WATER RESOURCES  
DEPARTMENT OF NATURAL RESOURCES  
1313 SHERMAN ST., RM 818, DENVER, CO 80203  
phone - info: (303) 866-3587 main: (303) 866-3581  
fax: (303) 866-3589 http://www.water.state.co.us

**RESIDENTIAL** Note: Also use this form to apply for livestock watering

**Water Well Permit Application**

Review instructions on reverse side prior to completing form.  
The form must be completed in black ink.

**1. Applicant Information**

Name of applicant: Charles Nunnery  
Mailing address: 9820 Hwy 50  
City: Lamar State: CO Zip code: 81052  
Telephone #: ( )

**2. Type Of Application** (check applicable boxes)

☐ Construct new well ☐ Use existing well decrease  
☒ Replace existing well ☒ Change or increase use  
☐ Change source (aquifer) ☐ Reapplication (expired permit)  
☐ Other:

**3. Refer To** (if applicable)

Well permit # \_\_\_\_\_ Water Court case # \_\_\_\_\_  
Designated Basin Determination # \_\_\_\_\_ Well name or # \_\_\_\_\_

**4. Location Of Proposed Well**

County: Prowers NW 1/4 of the SW 1/4  
Section: 33 Township: 22 N or S Range: 46 E or W Principal Meridian: 4  
Distance of well from section lines (section lines are typically not property lines)  
2100 Ft. from ☐ N ☒ S 700 Ft. from ☐ E ☒ W  
For replacement wells only - distance and direction from old well to new well  
20 feet East direction  
Well location address (if applicable): \_\_\_\_\_

**Optional: GPS well location information in UTM format**

Required settings for GPS units are as follows:

Format must be UTM  
Zone must be 13  
Units must be Meters  
Datum must be NAD27 (CONUS)  
Unit must be set to true north  
Were points averaged? ☐ YES ☐ NO  
Northing: \_\_\_\_\_  
Easting: \_\_\_\_\_

**5. Parcel On Which Well Will Be Located**

A. You must check and complete one of the following:

- ☐ Subdivision: Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Filing/Unit \_\_\_\_\_  
☐ County exemption (attach copy of county approval & survey):  
Name/# \_\_\_\_\_ Lot # \_\_\_\_\_  
☐ Parcel less than 35 acres, not in a subdivision, attach a deed with  
metes and bounds description recorded prior to June 1, 1972  
☐ Mining claim (attach a copy of the deed or survey):  
Name/# \_\_\_\_\_  
☐ Square 40 acre parcel as described in Item 4  
☐ Parcel of 35 or more acres (attach a metes and bounds description or survey)  
☒ Other (attach metes & bounds description or survey and supporting documents)

B. # of acres in parcel: .81 C. Are you the owner of this parcel?  
☒ YES ☐ NO (if no - see instructions)

D. Will this be the only well on this parcel? ☒ YES ☐ NO (if no - list other wells)

E. State Parcel ID# (optional): \_\_\_\_\_

Office Use Only

Form GWS-44 (1/2001)

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MAY 21 2001

WATER RESOURCES  
STATE ENGINEER  
COLO.

**6. Use Of Well** (check applicable boxes)

See instructions to determine use(s) for which you may qualify

- ☐ A. Ordinary household use in one single-family dwelling  
(no outside use)  
☒ B. Ordinary household use in 1 to 3 single-family dwellings:  
Number of dwellings: 1  
☒ Home garden/lawn irrigation, not to exceed one acre:  
area irrigated less than 1 sq. ft. ☐ acre  
☒ Domestic animal watering - (non-commercial)  
☐ C. Livestock watering (on farm/ranch/range/pasture)

**7. Well Data** (proposed)

Maximum pumping rate: 30 gpm Annual amount to be withdrawn: 2 acre-feet  
Total depth: 320 feet Aquifer: Dakota

**8. Water Supplier**

Is this parcel within boundaries of a water service area? ☐ YES ☒ NO  
If yes, provide name of supplier: \_\_\_\_\_

**9. Type Of Sewage System**

- ☒ Septic tank / absorption leach field  
☐ Central system: District name: \_\_\_\_\_  
☐ Vault: Location sewage to be hauled to: \_\_\_\_\_  
☐ Other (attach copy of engineering design and report)

**10. Proposed Well Driller License #** (optional): \_\_\_\_\_

**11. Signature Of Applicant(s) Or Authorized Agent**

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.

Sign here (Must be original signature) Date: 5-10-01  
Charles Nunnery

Print name & title: Charles Nunnery, owner

**Office Use Only**

USGS map name \_\_\_\_\_ DWR map no. \_\_\_\_\_ Surface elev: 3605

Receipt area only  
Dakota Cheyenne  
Invoice # 476557 - B  
5/21/01 -- 8:28:45 AM  
Cashier ID: 01  
\$ 68.00  
Check Purchase- #4463  
Dak.

WE  
WR  
CWCB  
TOPO  
MYLAR  
SB5

DIV 2 WD 67 BA MD

**WELL CONSTRUCTION AND TEST REPORT**  
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

For Office Use only  
**04765573**  
RECEIVED

JUL 20 2001

WATER RESOURCES  
STATE ENGINEER  
COLO.

1. WELL PERMIT NUMBER 233713-A

2. OWNER NAME(S) Charles Nunneley  
Mailing Address 9820 Hwy 50  
City, St. Zip Lamar, CO 81052  
Phone (719) 336-2250

3. WELL LOCATION AS DRILLED: NW 1/4 SW 1/4, Sec. 33 Twp. 22 S, Range 46 W  
DISTANCES FROM SEC. LINES:  
2100 ft. from South Sec. line. and 700 ft. from West Sec. line. OR  
(north or south) (east or west)  
SUBDIVISION: \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ FILING(UNIT) \_\_\_\_\_  
STREET ADDRESS AT WELL LOCATION: \_\_\_\_\_

4. GROUND SURFACE ELEVATION \_\_\_\_\_ ft. DRILLING METHOD Rotary  
DATE COMPLETED 6-21-01 TOTAL DEPTH 340 ft. DEPTH COMPLETED 340 ft.

5. GEOLOGIC LOG:

Depth	Description of Material (Type, Size, Color, Water Location)
0	10 Top Soil
10	33 Riversand & Rock
33	36 Sandstone
36	216 Shale
216	300 Dirty Sandstone w/ Shale layers
300	321 Sandstone
321	340 Shale
REMARKS: _____	

6. HOLE DIAM. (in.) From (ft) To (ft)

<u>12 1/4</u>	<u>0</u>	<u>40</u>
<u>7 1/8</u>	<u>40</u>	<u>340</u>

7. PLAIN CASING

OD (in)	Kind	Wall Size	From(ft)	To(ft)
<u>8 5/8</u>	<u>Steel</u>	<u>.250</u>	<u>+1</u>	<u>40</u>
<u>3</u>	<u>PVC</u>	<u>.250</u>	<u>+1</u>	<u>280</u>
PERF. CASING: Screen Slot Size: <u>50,000</u>				
<u>5</u>	<u>PVC</u>	<u>.250</u>	<u>280</u>	<u>340</u>

8. FILTER PACK:  
Material Gravel  
Size 1/4" washed pea  
Interval 260-340

9. PACKER PLACEMENT:  
Type /  
Depth /

10. GROUTING RECORD:

Material	Amount	Density	Interval	Placement
<u>NC</u>	<u>legal</u>	<u>94 lbs</u>	<u>5-45</u>	<u>pd</u>
<u>"</u>	<u>8"</u>	<u>"</u>	<u>180-260</u>	<u>"</u>

11. DISINFECTION: Type Chlorine Amt. Used 100 ppm

12. WELL TEST DATA: ☐ Check box if Test Data is submitted on Form No. GWS 39 Supplemental Well Test.  
TESTING METHOD Bailer  
Static Level 240 ft. Date/Time measured 6-21-01, Production Rate 15 gpm.  
Pumping level 300 ft. Date/Time measured 6-21-01, Test length (hrs.) 3  
Remarks \_\_\_\_\_

13. I have read the statements made herein and know the contents thereof, and that they are true to my knowledge. [Pursuant to Section 24-4-104 (13)(a) C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a class 1 misdemeanor.]

CONTRACTOR Michael R. Pearson Phone (719) 336-4140 Lic. No. 144  
Mailing Address PO Box 11658 Lamar, CO 81052

Name/Title (Please type or print) Michael R. Pearson Signature Michael R. Pearson Date 6-27-01